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Government
Publications

BILL 151

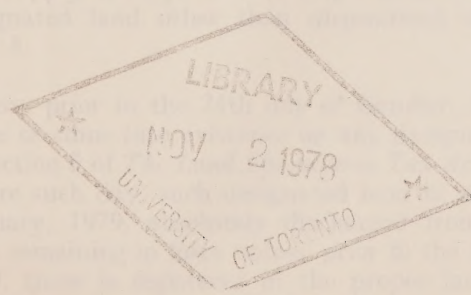
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

**An Act to repeal
The Land Speculation Tax Act, 1974**

THE HON. L. MAECK
Minister of Revenue



EXPLANATORY NOTE

The Bill repeals *The Land Speculation Tax Act, 1974* as of the 24th day of October, 1978. The repeal applies to dispositions of designated land occurring on or after that date and to dispositions of designated land occurring before that date where the deed, conveyance or transfer resulting from the disposition has not actually been registered before October 24, 1978. In addition, the Bill provides that any special lien that may be in existence on designated land for tax payable with respect to dispositions that occurred before October 24, 1978 will be absolutely discharged on January 1, 1979 unless notice of the special lien is registered in the proper land registry office. Thus, on and after January 1, 1979, no liens under *The Land Speculation Tax Act, 1974* will exist, regardless of when the designated land was disposed of, unless notice of the lien is registered against the title to the land.

BILL 151

1978

An Act to repeal The Land Speculation Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Land Speculation Tax Act, 1974*, being chapter 17, *The Land Speculation Tax Amendment Act, 1974*, being chapter 121, *The Land Speculation Tax Amendment Act, 1974 (No. 2)*, being chapter 107, and *The Land Speculation Tax Amendment Act, 1977*, being chapter 15, are repealed in respect of, and do not apply to,

- (a) any disposition of or with respect to designated land that occurs on or after the 24th day of October, 1978; and
- (b) any disposition of or with respect to designated land that occurred prior to the 24th day of October, 1978 and that required the transferor making the disposition to give, with respect to the designated land being disposed of, a deed, conveyance or transfer thereof that is actually registered in the proper land registry office on or after the 24th day of October, 1978,

but the statutes hereby repealed continue, subject to section 2, to apply in respect of all dispositions of or with respect to designated land other than dispositions described in clause *a* or *b*.

2. Where, prior to the 24th day of October, 1978, a special lien arose or came into existence on any designated land by virtue of section 5 of *The Land Speculation Tax Act, 1974* as it existed before such day, such designated land is, upon the 1st day of January, 1979, absolutely discharged from such special lien then remaining in force unless, prior to the 1st day of January, 1979, there is registered in the proper land registry office a notice claiming such special lien.

Discharge
of
lien
1974, c. 17

Interpre-
tation

3. In the construction and application of this Act, any word or expression used herein has the same meaning as such word or expression had in *The Land Speculation Tax Act, 1974* or the regulations made thereunder as they existed on the 23rd day of October, 1978.

Commence-
ment

4. This Act shall be deemed to have come into force on the 24th day of October, 1978.

Short title

5. The short title of this Act is *The Land Speculation Tax Repeal Act, 1978*.



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An Act to repeal
The Land Speculation Tax Act, 1974

1st Reading

October 24th, 1978

2nd Reading

3rd Reading

THE HON. I. MAECK
Minister of Revenue

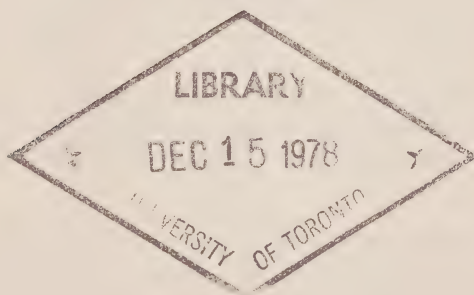
(Government Bill)

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BILL 151

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to repeal
The Land Speculation Tax Act, 1974

THE HON. L. MAECK
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 151

1978

An Act to repeal The Land Speculation Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Land Speculation Tax Act, 1974*, being chapter 17, *The Land Speculation Tax Amendment Act, 1974*, being chapter 121, *The Land Speculation Tax Amendment Act, 1974 (No. 2)*, being chapter 107, and *The Land Speculation Tax Amendment Act, 1977*, being chapter 15, are repealed in respect of, and do not apply to,

- (a) any disposition of or with respect to designated land that occurs on or after the 24th day of October, 1978; and
- (b) any disposition of or with respect to designated land that occurred prior to the 24th day of October, 1978 and that required the transferor making the disposition to give, with respect to the designated land being disposed of, a deed, conveyance or transfer thereof that is actually registered in the proper land registry office on or after the 24th day of October, 1978,

but the statutes hereby repealed continue, subject to section 2, to apply in respect of all dispositions of or with respect to designated land other than dispositions described in clause *a* or *b*.

2. Where, prior to the 24th day of October, 1978, a special lien arose or came into existence on any designated land by virtue of section 5 of *The Land Speculation Tax Act, 1974* as it existed before such day, such designated land is, upon the 1st day of January, 1979, absolutely discharged from such special lien then remaining in force unless, prior to the 1st day of January, 1979, there is registered in the proper land registry office a notice claiming such special lien.

Discharge
of
lien
1974, c. 17

Interpre-
tation

- 3.** In the construction and application of this Act, any word or expression used herein has the same meaning as such word or expression had in *The Land Speculation Tax Act, 1974* or the regulations made thereunder as they existed on the 23rd day of October, 1978.

Commence-
ment

- 4.** This Act shall be deemed to have come into force on the 24th day of October, 1978.

Short title

- 5.** The short title of this Act is *The Land Speculation Tax Repeal Act, 1978*.

An Act to repeal
The Land Speculation Tax Act, 1974

1st Reading

October 24th, 1978

2nd Reading

October 31st, 1978

3rd Reading

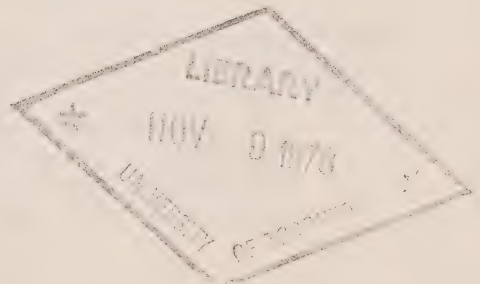
November 23rd, 1978

THE HON. L. MAECK
Minister of Revenue

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to provide for a Basic Residential Power Rate
Applicable to the Essential Energy Needs of Residential
Households in Ontario**

MR. SARGENT



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the establishment of a basic residential rate for electrical power usage by residential households in Ontario. The basic residential rate is applied to the amount of electrical power required by a typical residential household to fulfil minimum essential energy needs. The proposed amendments to *The Ontario Energy Board Act* require the Board to determine those functions that constitute the minimum essential energy needs of a residential household in Ontario. Each municipal corporation that distributes electrical power must establish a basic residential rate on the basis of the electrical power demand required in its service area to fulfil the minimum energy needs. The Bill sets a maximum level for the basic residential rate and stipulates that the basic residential rate must be the lowest rate for electrical power usage charged by the corporation.

BILL 152

1978

An Act to provide for a Basic Residential Power Rate Applicable to the Essential Energy Needs of Residential Households in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE ONTARIO ENERGY BOARD ACT

1. *The Ontario Energy Board Act*, being chapter 312 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

37ab.—(1) The Board shall examine into and determine the minimum essential electrical needs of residents of Ontario and, on or before the 1st day of January, 1980, the Board shall make a report to the Minister listing the functions that constitute the minimum essential electrical needs of a typical residential household in Ontario.

(2) Upon determination of the minimum essential electrical needs referred to in subsection 1, every municipal electric utility commission and every municipal corporation that distributes electrical power in Ontario shall determine the basic demand for electrical energy required to fulfil the minimum essential electrical needs of a typical residential household located in the area to which it distributes electrical power.

(3) Every commission and corporation that makes a determination under subsection 2 shall report the determination to the Board and the Board may review and alter the determination where the Board considers it proper.

PART II

THE POWER CORPORATION ACT

s. 96a,
enacted

- 2.** *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

Basic
residential
rate

96a.—(1) Notwithstanding section 96, any municipal corporation that charges a rate for the distribution of electrical power shall establish a basic residential rate for residential households in the corporation's service area and the basic residential rate shall be applied to that amount of electrical power demand that is equal to the basic demand for electrical energy as determined under section 37ab of *The Ontario Energy Board Act*.

R.S.O. 1970,
c. 312

Maximum
rate

(2) The basic residential rate referred to in subsection 1 shall not exceed the residential rate chargeable immediately prior to the 1st day of January, 1975, plus 50 per cent of any rate increase between the 1st day of January, 1975, to the 1st day of January, 1978.

Basic
residential
rate to be
lowest rate

(3) The basic residential rate charged by a municipal corporation shall be the lowest rate charged by the corporation to any of its customers and a corporation shall not, by means of a discount or otherwise, supply electrical power to a customer at a cost lower than the cost incurred by a person paying the basic residential rate.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** The short title of this Act is *The Lifeline Act, 1978*.

An Act to provide for a Basic Residential
Power Rate Applicable to the Essential
Energy Needs of Residential Households
in Ontario

1st Reading

October 24th, 1978

2nd Reading

3rd Reading

MR. SARGENT

(Private Member's Bill)

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3
17 BILL 153

Government
Publications

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

**An Act to amend The Niagara
Escarpment Planning and Development Act, 1973**

MR. PHILIP



EXPLANATORY NOTE

The purpose of the Bill is to alter the procedures relating to the preparation and implementation of a Niagara Escarpment Plan for the Niagara Escarpment Planning Area. The Bill also contains amendments to the development control provisions contained in the Act.

One major effect of the Bill will be to remove development permit appeals from the Minister of Housing and direct them to the Ontario Municipal Board and through it to the Cabinet.

A second major effect of the Bill will be to cause the Plan covering the Niagara Escarpment Planning Area to be incorporated into and composed of the official plans of the regional and county municipalities that have jurisdiction in the Planning Area.

The amendments require the Niagara Escarpment Commission to propose the Plan in the form of official plans and amendments to existing official plans for municipalities in the Niagara Escarpment Planning Area. The proposed plans and plan amendments would be approved in the same manner as an official plan and official plan amendments are approved under *The Planning Act*. The Niagara Escarpment Plan is composed of the official plans and official plan amendments that result upon completion of the approval process.

Further amendments to the Bill provide that any area covered by official plans or plan amendments included as part of the Niagara Escarpment Plan is released from development control. Where development control is in effect, procedures relating to the issuance of development permits have been altered to provide for appeals to the Ontario Municipal Board.

Other amendments require the Commission to monitor all municipal planning activity in the Niagara Escarpment Planning Area and permit the Commission to initiate further official plan amendments as well as to intervene in proceedings before the Ontario Municipal Board concerning lands in the Planning Area.

BILL 153

1978

An Act to amend The Niagara Escarpment Planning and Development Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is repealed. s. 1(b),
repealed

(2) The said section 1, as amended by the Statutes of Ontario, 1975, chapter 68, section 1 and 1976, chapter 35, section 1, is further amended by adding thereto the following clauses:

(da) “Municipal Board” means the Ontario Municipal Board;

(fa) “official plan” means an official plan approved by the Minister or the Ontario Municipal Board under *The Planning Act*.

R.S.O. 1970,
c. 349

2.—(1) Subsections 2 to 4 of section 10 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 52, section 2, are repealed and the following substituted therefor:

s. 10 (2-4),
re-enacted

(2) After giving consideration to the comments received, the Commission shall revise and prepare the proposed Plan in the form of amendments for each official plan in force in the Niagara Escarpment Planning Area together with a proposed official plan for each county or regional municipality that has not adopted an official plan covering area under its jurisdiction that is included in the Niagara Escarpment Planning Area, and, upon completion of the proposed Plan in this form, the Commission shall submit the proposed Plan to the Minister.

Proposed
Plan in
form of
official
plan and
official
plan
amendments

Approval
by
Minister

(3) The Minister shall consider the proposed Plan as a whole and may make such modifications as to him appear necessary to achieve the purpose of this Act and the objectives of the Niagara Escarpment Plan, and the Minister shall consider and modify each proposed official plan, if any, and each set of amendments to an official plan accordingly and the provisions of *The Planning Act* apply to the approval of each proposed official plan and each set of amendments as if the plan or amendments had been adopted by the council of the municipality affected thereby under that Act.

R.S.O. 1970,
c. 349

Idem

(4) The official plans, if any, and amendments to official plans that are approved by the Minister or the Municipal Board as a result of proposals contained in the proposed Plan together constitute the Plan for the Niagara Escarpment Planning Area.

s. 10 (5-11),
repealed

(2) Subsection 5 as amended by the Statutes of Ontario, 1974, chapter 52, section 2, subsections 6 to 10 as re-enacted by the Statutes of Ontario, 1974, chapter 52, section 2 and subsection 11 of the said section 10 are repealed.

s. 11,
re-enacted

3. Section 11 of the said Act is repealed and the following substituted therefor:

Duties of
Commission

11.—(1) After the proposed Plan for the Niagara Escarpment Planning Area has been prepared and submitted to the Minister, it is the duty of the Commission to,

(a) monitor all municipal planning activities affecting the Niagara Escarpment and all other land in the Niagara Escarpment Planning Area; and

(b) advise the Minister and any municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area as to the proper policies and procedures for implementing the proposed Plan.

Interventions
by
Commission

(2) In any proceeding under *The Planning Act* in respect of lands in the Niagara Escarpment Planning Area, the Commission is a proper person to request a municipality to initiate an amendment to an official plan or to appeal any decision made under that Act affecting lands in the Area and the Commission is a proper party to make representations before the Municipal Board in any proceedings in respect of such land before the Board.

Report

(3) The Commission shall report annually upon the affairs of the Commission to the Minister who shall submit the

report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

4. Sections 12, 13, 14 and 15 of the said Act are repealed. ss. 12-15,
repealed
5. Section 16 of the said Act is repealed and the following substituted therefor: s. 16,
re-enacted

16. Where an official plan or amendments to an official plan constituting part of the Niagara Escarpment Plan is in effect in a municipality or any part thereof and the municipality has not passed a zoning by-law implementing the plan or the amendments to the plan, the council of the municipality, upon being notified in writing by the Minister of that fact, shall, within such time as is specified in the notice, prepare and pass a zoning by-law or by-laws that conform to the official plan or amendments and submit to the Municipal Board the zoning by-law or by-laws. Minister
may require
passage of
zoning
by-law

6. Sections 17, 19, 20 and 21 of the said Act are repealed. ss. 17, 19-21,
repealed
7. Section 22 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 52, section 3, is amended by adding thereto the following subsection: s. 22,
amended

(2) Upon the approval by the Minister or the Municipal Board of an official plan or amendments to an official plan for a municipality as a result of proposals contained in the proposed Plan, any land within the municipality that has been designated as an area of development control is thereby released from development control. Release
from
development
control

8. Subsections 5 to 12 of section 24 of the said Act are repealed and the following substituted therefor: s. 24 (5, 6),
re-enacted;
s. 24 (7-12),
repealed

(5) The Commission, or a county or regional municipality or city to whom the Minister has delegated his authority under subsection 1, shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit, to all assessed owners of land lying within 400 feet of the land that is the subject of the application, to the clerk of every municipality in which the land is situated and to any person who has requested to receive a copy of the decision or of any decision on an application for a development permit, and every copy of such decision shall include a notice specifying that any person, within thirty days of the mailing of it, may appeal in writing to the Municipal Board against the decision. Notification
of decision

Appeal to
O.M.B.

(6) Where the Municipal Board receives one or more notices of appeal under subsection 5, the Board shall hear the appeal and either dismiss the same or direct that the development permit be issued subject to such terms or conditions, if any, as the Board considers desirable.

s. 25,
re-enacted

- 9.** Section 25 of the said Act is repealed and the following substituted therefor:

Minister's
power of
decision

25.—(1) Where the Minister has not delegated his authority under section 24 and he receives an application for a development permit, the Minister shall consider the merits of the application and may make a decision to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as he considers desirable.

Notification
of decision

(2) The Minister shall, by regular or registered mail, cause a copy of the decision made by him on any application for a development permit to be mailed to the applicant for the permit, to all assessed owners of land lying within 400 feet of the land that is the subject of the application, to the clerk of every municipality in which the land is situated and to any person who has requested to receive a copy of the decision or of any decision on an application for a development permit, and every copy of such decision shall include a notice specifying that any person, within thirty days of the mailing of it, may appeal in writing to the Municipal Board against the decision.

Appeal to
O.M.B.

(3) Where the Municipal Board receives one or more notices of appeal under subsection 2, the Board shall hear the appeal and either dismiss the same or direct that the development permit be issued subject to such terms or conditions, if any, as the Board considers desirable.

Commence-
ment

- 10.** This Act comes into force on the day it receives Royal Assent.

Short title

- 11.** The short title of this Act is *The Niagara Escarpment Planning and Development Amendment Act, 1978*.

An Act to amend The Niagara
Escarpment Planning and Development
Act, 1973

1st Reading

October 24th, 1978

2nd Reading

3rd Reading

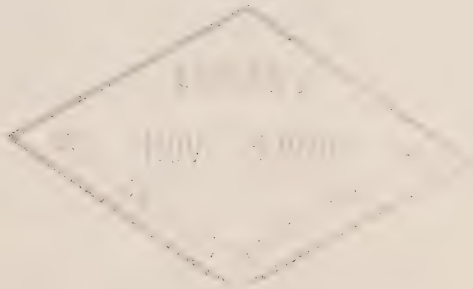
MR. PHILIP

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ⁴ONTARIO
27 ELIZABETH II, 1978 ²⁷ *Louis*

An Act respecting a Decision of the Grievance Settlement Board dated the 17th day of March, 1978 in the Arbitration of a Grievance between Samuel Johnston and the Crown in right of Ontario under The Crown Employees Collective Bargaining Act, 1972

THE HON. K. NORTON
Minister of Community and Social Services



EXPLANATORY NOTE

The Bill nullifies a decision of the Grievance Settlement Board and any proceedings arising out of the decision, requires a new hearing by the Board and suspends the named employee with pay from employment in the service of the Crown pending the release of the new decision of the Board.

BILL 154

1978

An Act respecting a Decision of the Grievance Settlement Board dated the 17th day of March, 1978 in the Arbitration of a Grievance between Samuel Johnston and the Crown in right of Ontario under The Crown Employees Collective Bargaining Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The decision of the Grievance Settlement Board dated the 17th day of March, 1978 in the arbitration of a grievance under *The Crown Employees Collective Bargaining Act, 1972* between Samuel Johnston and the Crown in right of Ontario as represented by the Ministry of Community and Social Services is and shall be deemed always to have been a nullity. ^{Decision nullified 1972, c. 67}

2. The Grievance Settlement Board shall hold a new hearing of and shall decide the grievance mentioned in section 1 as soon as possible after the coming into force of this Act and, except as otherwise provided in this Act, *The Crown Employees Collective Bargaining Act, 1972* shall apply in respect of the new hearing and in respect of the decision of the Board upon the new hearing in the same manner as if the new hearing were required under that Act. ^{New hearing}

3. The chairman of the Grievance Settlement Board shall decide and assign the panel of the Grievance Settlement Board that shall hold the new hearing of the grievance. ^{Panel}

4. For the purpose of arriving at its decision under section 2, the Grievance Settlement Board shall receive in evidence, give consideration to and may act on any evidence that a party to the proceedings may present to the Board in respect of the matter, including any evidence in respect of the past conduct of Samuel Johnston toward any person who is or was a resident in the facility in which Samuel Johnston was employed. ^{Evidence}

Samuel
Johnston
suspended
with pay
pending
decision

5. Samuel Johnston is suspended with pay from employment as a servant of the Crown in right of Ontario until the Grievance Settlement Board releases its decision under section 2.

Proceedings
arising
out of
nullified
decision

6. Every cause, action, matter or proceeding and every decision, determination, judgment and order therein arising out of or consequent upon the decision mentioned in section 1 before the coming into force of this Act is and shall be deemed always to have been a nullity.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is *The Grievance Settlement Board Hearing Act, 1978*.

An Act respecting a Decision of the
Grievance Settlement Board dated the
17th day of March, 1978 in the Arbitration
of a Grievance between Samuel Johnston
and the Crown in right of Ontario under The
Crown Employees Collective Bargaining
Act, 1972

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

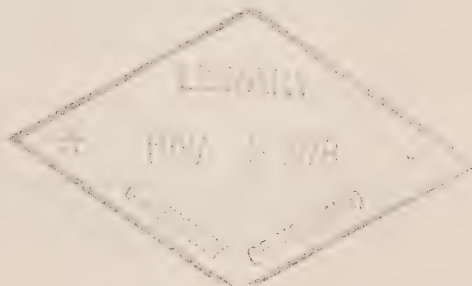
THE HON. K. NORTON
Minister of Community and
Social Services

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Art Gallery of Ontario Act

THE HON. R. BAETZ
Minister of Culture and Recreation



EXPLANATORY NOTES

SECTION 1. Clause *c* of section 1 of the Act is enacted in order to give meaning to subsection 3*c* of section 4 of the Act. (See subsection 5 of section 2 of the Bill).

SECTION 2.—Subsections 1 and 2. The proposed re-enactment of clause *c* of subsection 1 of section 4 of the Act reduces the number of persons who are appointed to the board of trustees of the Gallery by the council of the City of Toronto from two to one with the council of The Municipality of Metropolitan Toronto appointing the other person to the Board pursuant to the new clause *e* of subsection 1 of section 4 of the Act.

Subsection 3. The proposed amendment to subsection 2 of section 4 of the Act is complementary to the proposed amendment to be made to subsection 1 of section 4 of the Act.

BILL 155

1978

An Act to amend The Art Gallery of Ontario Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: s. 1,
amended
 - (c) “member of the executive committee” means a trustee of the Board elected to the executive committee by the Board from among its members according to the by-laws of the Board.
- 2.—(1) Clause *c* of subsection 1 of section 4 of the said Act is repealed and the following substituted therefor: s. 4 (1) (c),
re-enacted
 - (c) one person appointed by the council of the City of Toronto.
- (2) Subsection 1 of the said section 4, as amended by the Statutes of Ontario, 1972, chapter 72, section 1, is further amended by adding “and” at the end of clause *d* and by adding thereto the following clause: s. 4 (1),
amended
 - (e) one person appointed by the council of The Municipality of Metropolitan Toronto.
- (3) Subsection 2 of the said section 4, as re-enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is repealed and the following substituted therefor: s. 4 (2),
re-enacted
 - (2) A trustee appointed under clause *a*, *c* or *e* or elected under clause *b* of subsection 1 shall hold office for a term of one year or until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years or until his successor is appointed. Term of
office

s. 4 (3a),
re-enacted

- (4) Subsection 3a of the said section 4, as enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is repealed and the following substituted therefor:

Vacancies

(3a) Where a vacancy occurs for any reason in the office of trustee, the vacancy may be filled,

- (a) in the case of a vacancy of a trustee appointed under clause *a* of subsection 1, by appointment by The College of Founders of the Art Gallery of Ontario;
- (b) in the case of a vacancy of a trustee elected under clause *b* of subsection 1, by appointment by the remaining trustees elected by the membership of the Gallery;
- (c) in the case of a vacancy of a trustee appointed under clause *c* of subsection 1, by appointment by the council of the City of Toronto;
- (d) in the case of a vacancy of a trustee appointed under clause *d* of subsection 1, by appointment by the Lieutenant Governor in Council; and
- (e) in the case of a vacancy of a trustee appointed under clause *e* of subsection 1, by appointment by the council of The Municipality of Metropolitan Toronto,

and a person so appointed shall hold office for the remainder of the term of his predecessor except that, in the case of a vacancy referred to in clause *b*, the person so appointed shall hold office until the next annual meeting of the membership of the Gallery.

s. 4,
amended

- (5) The said section 4, as amended by the Statutes of Ontario, 1972, chapter 72, sections 1 and 2, is further amended by adding thereto the following subsection:

Term of
office

(3c) Notwithstanding subsection 3b, a trustee who is a member of the executive committee may be reappointed on the expiration of his second consecutive term.

s. 5 (a) (iii),
amended

- 3.—**(1) Subclause iii of clause *a* of section 5 of the said Act is amended by striking out "providing for and regulating meetings of the members" in the third and fourth lines and inserting in lieu thereof, "providing for and regulating meetings of members including the conduct of a

Subsection 4. Subsection 3*a* of section 4 of the Act is re-enacted to clarify that, where a vacancy occurs in the office of trustee and the trustee has been elected by the membership, the vacancy may only be filled by an election by the membership and that the remaining trustees who were elected by the membership of the Gallery are entitled to fill the vacancy until the next annual meeting of the membership of the Gallery.

Subsection 5. The purpose of subsection 3*c* of section 4 of the Act is to provide the executive committee of the Gallery with a degree of continuity so that members of the executive committee will be entitled to remain as trustees of the Gallery notwithstanding the mandatory retirement provision for trustees after two consecutive terms pursuant to subsection 3*b* of section 4 of the Act.

SECTION 3.—Subsection 1. The amendment to subclause iii of clause *a* of section 5 of the Act entitles the board of directors to conduct a mail ballot of the Gallery members on any issue on which the members are entitled to vote without the necessity of calling a special meeting of members or waiting until the next annual meeting of members to have the matter voted upon by the members.

Subsection 2. Clause *da* of section 5 of the Act is enacted to enable the board of trustees to delegate certain administrative responsibilities to the Director of the Gallery.

mail ballot to decide any issue in respect of which the members are entitled to vote, and”.

- (2) The said section 5, as amended by the Statutes of Ontario, ^{s. 5, amended} 1972, chapter 72, section 3, is further amended by adding thereto the following clause:

(*da*) delegate to the Director the authority to fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of the staff of the Gallery.

4. This Act comes into force on a day to be named by procla- ^{Commence-}
mation of the Lieutenant Governor. ^{ment}
5. The short title of this Act is *The Art Gallery of Ontario Amend-* ^{Short title}
ment Act, 1978.

An Act to amend
The Art Gallery of Ontario Act

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

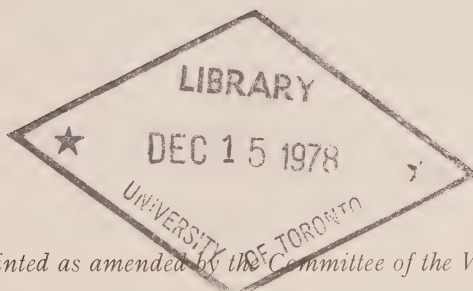
THE HON. R. BAETZ
Minister of Culture and Recreation

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Art Gallery of Ontario Act

THE HON. R. BAETZ
Minister of Culture and Recreation



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Clause *c* of section 1 of the Act is enacted in order to give meaning to subsection 3*c* of section 4 of the Act. (See subsection 5 of section 2 of the Bill).

SECTION 2.—Subsection 1. The proposed re-enactment of clause *c* of subsection 1 of section 4 of the Act provides for appointment of two persons to the board of trustees of the Gallery by the Council of the Municipality of Metropolitan Toronto provided that one of the appointees is a member of the council of the City of Toronto. Clause *c* previously provided for the appointment of two persons by the council of the City of Toronto.

Subsection 2. The proposed amendment to subsection 2 of section 4 of the Act is complementary to the proposed amendment to be made to subsection 1 of section 4 of the Act.

Subsection 3. Subsection 3*a* of section 4 of the Act is re-enacted to clarify that, where a vacancy occurs in the office of trustee and the trustee has been elected by the membership, the vacancy may only be filled by an election by the membership and that the remaining trustees who were elected by the membership of the Gallery are entitled to fill the vacancy until the next annual meeting of the membership of the Gallery.

BILL 155

1978



An Act to amend The Art Gallery of Ontario Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: s. 1.
amended

(c) "member of the executive committee" means a trustee of the Board elected to the executive committee by the Board from among its members according to the by-laws of the Board.

- 2.—(1) Clause *c* of subsection 1 of section 4 of the said Act is s. 4 (1) (c),
re-enacted repealed and the following substituted therefor:

 (c) two persons appointed by the council of The Municipality of Metropolitan Toronto, one of whom shall be a person who is both a member of the council of the City of Toronto and a member of the council of The Municipality of Metropolitan Toronto. 

- (2) Subsection 2 of the said section 4, as re-enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is s. 4 (2),
re-enacted repealed and the following substituted therefor:

(2) A trustee appointed under clause *a*, *c* or *e* or elected under clause *b* of subsection 1 shall hold office for a term of one year or until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years or until his successor is appointed. Term of
office

- (3) Subsection 3*a* of the said section 4, as enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is s. 4 (3*a*),
re-enacted repealed and the following substituted therefor:

Vacancies

(3a) Where a vacancy occurs for any reason in the office of trustee, the vacancy may be filled,

(a) in the case of a vacancy of a trustee appointed under clause *a* of subsection 1, by appointment by The College of Founders of the Art Gallery of Ontario;

(b) in the case of a vacancy of a trustee elected under clause *b* of subsection 1, by appointment by the remaining trustees elected by the membership of the Gallery;

(c) in the case of a vacancy of a trustee appointed under clause *c* of subsection 1, be appointed by the council of The Municipality of Metropolitan Toronto; and

(d) in the case of a vacancy of a trustee appointed under clause *d* of subsection 1, by appointment by the Lieutenant Governor in Council,

and a person so appointed shall hold office for the remainder of the term of his predecessor except that, in the case of a vacancy referred to in clause *b*, the person so appointed shall hold office until the next annual meeting of the membership of the Gallery.

s. 4,
amended

(4) The said section 4, as amended by the Statutes of Ontario, 1972, chapter 72, sections 1 and 2, is further amended by adding thereto the following subsection:

Term of
office

(3c) Notwithstanding subsection 3b, a trustee who is a member of the executive committee may be reappointed on the expiration of his second consecutive term.

s. 5 (a) (iii),
amended

3.—(1) Subclause iii of clause *a* of section 5 of the said Act is amended by striking out “providing for and regulating meetings of the members” in the third and fourth lines and inserting in lieu thereof, “providing for and regulating meetings of members including the conduct of a mail ballot to decide any issue in respect of which the members are entitled to vote, subject to the requirement that the members be mailed information concerning the issue at least thirty days in advance of the final date for the return of mail ballots, and”.

Subsection 4. The purpose of subsection 3*c* of section 4 of the Act is to provide the executive committee of the Gallery with a degree of continuity so that members of the executive committee will be entitled to remain as trustees of the Gallery notwithstanding the mandatory retirement provision for trustees after two consecutive terms pursuant to subsection 3*b* of section 4 of the Act.

SECTION 3.—Subsection 1. The amendment to subclause iii of clause *a* of section 5 of the Act entitles the board of directors to conduct a mail ballot of the Gallery members on any issue on which the members are entitled to vote without the necessity of calling a special meeting of members or waiting until the next annual meeting of members to have the matter voted upon by the members.

Subsection 2. Clause *da* of section 5 of the Act is enacted to enable the board of trustees to delegate certain administrative responsibilities to the Director of the Gallery.

- (2) The said section 5, as amended by the Statutes of Ontario, 1972, chapter 72, section 3, is further amended by adding thereto the following clause:

(da) delegate to the Director the authority to fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of the staff of the Gallery.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
5. The short title of this Act is *The Art Gallery of Ontario Amendment Act, 1978*. Short title

An Act to amend
The Art Gallery of Ontario Act

1st Reading

October 26th, 1978

2nd Reading

November 28th, 1978

3rd Reading

THE HON. R. BAETZ
Minister of Culture and Recreation

(Reprinted as amended by the
Committee of the Whole House)

BILL 155

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Art Gallery of Ontario Act

THE HON. R. BAETZ
Minister of Culture and Recreation

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Art Gallery of Ontario Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Art Gallery of Ontario Act*, being chapter 29 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:
 - (c) "member of the executive committee" means a trustee of the Board elected to the executive committee by the Board from among its members according to the by-laws of the Board.
- 2.—(1) Clause *c* of subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:
 - (c) two persons appointed by the council of The Municipality of Metropolitan Toronto, one of whom shall be a person who is both a member of the council of the City of Toronto and a member of the council of The Municipality of Metropolitan Toronto.
- (2) Subsection 2 of the said section 4, as re-enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is repealed and the following substituted therefor:
 - (2) A trustee appointed under clause *a* or *c* or elected under clause *b* of subsection 1 shall hold office for a term of one year or until his successor is appointed or elected, as the case may be, and, subject to subsection 3, a trustee appointed under clause *d* of subsection 1 shall hold office for a term of three years or until his successor is appointed.
- (3) Subsection 3*a* of the said section 4, as enacted by the Statutes of Ontario, 1972, chapter 72, section 2, is repealed and the following substituted therefor:

Vacancies

(3a) Where a vacancy occurs for any reason in the office of trustee, the vacancy may be filled,

- (a) in the case of a vacancy of a trustee appointed under clause *a* of subsection 1, by appointment by The College of Founders of the Art Gallery of Ontario;
- (b) in the case of a vacancy of a trustee elected under clause *b* of subsection 1, by appointment by the remaining trustees elected by the membership of the Gallery;
- (c) in the case of a vacancy of a trustee appointed under clause *c* of subsection 1, be appointed by the council of The Municipality of Metropolitan Toronto; and
- (d) in the case of a vacancy of a trustee appointed under clause *d* of subsection 1, by appointment by the Lieutenant Governor in Council,

and a person so appointed shall hold office for the remainder of the term of his predecessor except that, in the case of a vacancy referred to in clause *b*, the person so appointed shall hold office until the next annual meeting of the membership of the Gallery.

s. 4,
amended

- (4) The said section 4, as amended by the Statutes of Ontario, 1972, chapter 72, sections 1 and 2, is further amended by adding thereto the following subsection:

Term of
office

(3c) Notwithstanding subsection 3b, a trustee who is a member of the executive committee may be reappointed on the expiration of his second consecutive term.

s. 5 (a) (iii),
amended

- 3.—(1)** Subclause iii of clause *a* of section 5 of the said Act is amended by striking out “providing for and regulating meetings of the members” in the third and fourth lines and inserting in lieu thereof, “providing for and regulating meetings of members including the conduct of a mail ballot to decide any issue in respect of which the members are entitled to vote, subject to the requirement that the members be mailed information concerning the issue at least thirty days in advance of the final date for the return of mail ballots, and”.

- (2) The said section 5, as amended by the Statutes of Ontario, 1972, chapter 72, section 3, is further amended by adding thereto the following clause:

(*da*) delegate to the Director the authority to fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of the staff of the Gallery.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
5. The short title of this Act is *The Art Gallery of Ontario Amendment Act, 1978*. Short title

An Act to amend
The Art Gallery of Ontario Act

1st Reading

October 26th, 1978

2nd Reading

November 28th, 1978

3rd Reading

November 30th, 1978

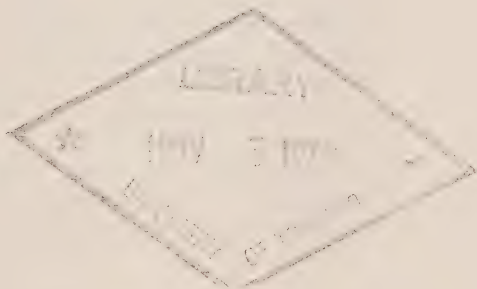
THE HON. R. BAETZ
Minister of Culture and Recreation

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2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to render immune from Seizure certain Objects of
Cultural Significance brought into Ontario for Temporary
Display or Exhibition**

THE HON. R. BAETZ
Minister of Culture and Recreation



EXPLANATORY NOTE

This Act renders immune from seizure under judicial process certain works of art and other objects of cultural significance brought into Ontario from a foreign country for temporary exhibition and sponsored by the Ontario Government or a cultural or educational institution in Ontario if the Lieutenant Governor in Council has determined that such works of art or objects are of cultural significance and that the display thereof is in the interest of the people of Ontario.

BILL 156

1978

**An Act to render immune from Seizure
certain Objects of Cultural Significance
brought into Ontario for Temporary
Display or Exhibition**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) When any work of art or other object of cultural significance from a foreign country is brought into Ontario pursuant to an agreement between the foreign owner or custodian thereof and the Government of Ontario or any cultural or educational institution in Ontario providing for the temporary exhibition or display thereof in Ontario administered, operated or sponsored, without profit, by the Government of Ontario or any such cultural or educational institution, no proceeding shall be taken in any court and no judgment, decree or order shall be enforced in Ontario for the purpose or having the effect of depriving the Government of Ontario or such institution, or any carrier engaged in transporting such work or object within Ontario, of custody or control of such work or object if, before such work or object is brought into Ontario, the Lieutenant Governor in Council determines by order in council that such work or object is of cultural significance and that the temporary exhibition or display thereof in Ontario is in the interest of the people of Ontario and such order in council has been published in *The Ontario Gazette*.

Immunity
of certain
foreign
cultural
objects
from
seizure
while in
Ontario

(2) Subsection 1 does not preclude any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such work or object or the fulfilment of any obligation assumed by the Government of Ontario or such institution pursuant to any such agreement.

Subs. 1
not to
preclude
enforcement
of agree-
ments, etc.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Foreign Cultural Objects Immunity from Seizure Act, 1978*.

An Act to render immune from Seizure
certain Objects of Cultural Significance
brought into Ontario for Temporary
Display or Exhibition

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

THE HON. R. BAETZ
Minister of Culture and Recreation

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to render immune from Seizure certain Objects of
Cultural Significance brought into Ontario for Temporary
Display or Exhibition**

THE HON. R. BAETZ
Minister of Culture and Recreation



BILL 156

1978

**An Act to render immune from Seizure
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Immunity
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An Act to render immune from Seizure
certain Objects of Cultural Significance
brought into Ontario for Temporary
Display or Exhibition

1st Reading

October 26th, 1978

2nd Reading

November 28th, 1978

3rd Reading

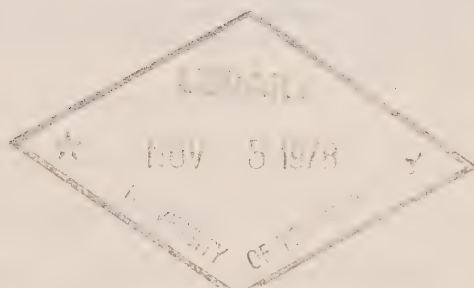
November 30th, 1978

THE HON. R. BAETZ
Minister of Culture and Recreation

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Income Tax Act

THE HON. L. MAECK
Minister of Revenue



EXPLANATORY NOTES

SECTION 1. The amendment removes the exclusion of the Northwest Territories from the definition of "province" which presently reads:

"province" does not include the Northwest Territories or the Yukon Territory".

For federal income tax purposes, the Northwest Territories is, since January 1, 1978, treated as a province of Canada, and the proposed amendment will bring the provincial Act into conformity with the Federal Act.

SECTION 2.—Subsection 1. The addition of the reference to section 122.1 of the Federal Act will ensure that the basic federal tax, on which provincial income tax is computed, will be calculated before the \$100 deduction authorized by the Federal Act as part of the federal Economic Stimulation Programme introduced last spring to enable provinces to reduce retail sales tax. Without the amendment proposed the reduction in basic federal tax would also reduce the provincial income tax payable as a percentage of that basic tax.

Subsection 2. The amendment provides that the tax imposed under section 3 (2a) as part of the Economic Stimulation Programme undertaken last spring by Canada and Ontario will be excluded from the computation of an Ontario taxpayer's foreign tax credit. Under the Federal Act, the amount of the tax provided for in section 3 (2a) of the provincial Act will, for the purposes of calculating a federal foreign tax credit, remain included in a taxpayer's federal tax payable. The amendment prevents the same tax being included twice in computing the foreign tax credit.

SECTION 3. The reference to a registered retirement income fund is inserted to complement recent amendments to the *Income Tax Act* (Canada) providing for registered retirement income funds as vehicles for tax deferral by persons whose registered retirement savings plan terminated on their reaching age 71.

SECTION 4. The section allows the Minister of Revenue, where a remission of federal tax has been made under the *Financial Administration Act* (Canada), to remit the provincial taxes, interest or penalties that have been paid as a percentage of the federal tax that has been remitted by the Government of Canada.

BILL 157

1978

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 22 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out "the Northwest Territories or" in the first and second lines. s. 1 (1),
par. 22,
amended
- 2.—(1) Clause *a* of subsection 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 100, section 2, is amended by inserting after "section" in the seventh line "122.1,". s. 3 (4) (a),
amended
- (2) Clause *b* of subsection 7 of the said section 3, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 1 and amended by 1975, chapter 16, section 1, is further amended by striking out "tax" in the third line and inserting in lieu thereof "tax, other than any tax payable pursuant to subsection 2*a*,". s. 3 (7) (b),
amended
3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1971 (*2nd Session*), chapter 1, section 10 and 1977, chapter 6, section 4, is further amended, s. 10 (1),
amended
 - (a) by striking out "or" at the end of clause *j*;
 - (b) by adding "or" at the end of clause *k*; and
 - (c) by adding thereto the following clause:
 - (l) a payment out of or under a registered retirement income fund,
4. The said Act is amended by adding thereto the following section: s. 26*a*,
enacted

Remission
of provincial
portion of
federal tax
remitted
R.S.C. 1970,
c. F-10

26a. Where, pursuant to the *Financial Administration Act* (Canada), remission is granted of any tax, interest or penalty paid under the Federal Act by or for an individual, and where any tax, interest or penalty was paid by that individual under this Act in respect of the same circumstances that gave rise to the remission granted under the *Financial Administration Act* (Canada), the provincial Minister may if he considers that the circumstances are sufficiently similar and that a remission of any money paid under this Act should be granted either in the public interest or for the relief of hardship, grant remission of all or any part of any tax, interest or penalty paid under this Act in such circumstances, and may authorize the repayment to the person entitled thereto of any amount remitted by him in accordance with this section.

s. 47 (4),
amended

5. Subsection 4 of section 47 of the said Act is amended by striking out "that he has charge of the appropriate records," in the fifth line.

Commence-
ment

- 6.—(1) This Act, except sections 1 and 5, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1978.

Idem

- (3) Section 5 comes into force on the 1st day of January, 1979.

Short title

7. The short title of this Act is *The Income Tax Amendment Act, 1978*.

SECTION 5. The proposed amendment effects in the provincial Act an administrative change made to subsection 244 (5) of the *Income Tax Act* (Canada).

An Act to amend
The Income Tax Act

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

THE HON. L. MAECK
Minister of Revenue

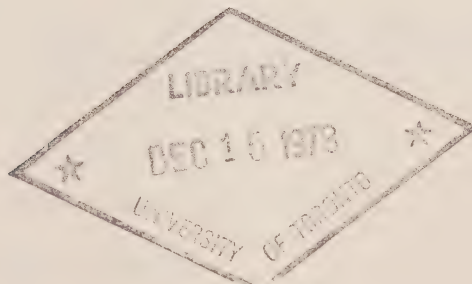
(*Government Bill*)

BILL 157

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Income Tax Act

THE HON. L. MAECK
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 22 of subsection 1 of section 1 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, is amended by striking out "the Northwest Territories or" in the first and second lines. s. 1 (1),
par. 22,
amended
- 2.—(1) Clause *a* of subsection 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 100, section 2, is amended by inserting after "section" in the seventh line "122.1,". s. 3 (4) (a),
amended
- (2) Clause *b* of subsection 7 of the said section 3, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 1 and amended by 1975, chapter 16, section 1, is further amended by striking out "tax" in the third line and inserting in lieu thereof "tax, other than any tax payable pursuant to subsection 2*a*,". s. 3 (7) (b),
amended
3. Subsection 1 of section 10 of the said Act, as amended by the Statutes of Ontario, 1971 (*2nd Session*), chapter 1, section 10 and 1977, chapter 6, section 4, is further amended, s. 10 (1),
amended
 - (a) by striking out "or" at the end of clause *j*;
 - (b) by adding "or" at the end of clause *k*; and
 - (c) by adding thereto the following clause:
 - (l) a payment out of or under a registered retirement income fund,
4. The said Act is amended by adding thereto the following section: s. 26*a*,
enacted

Remission
of provincial
portion of
federal tax
remitted
R.S.C. 1970,
c. F-10

26a. Where, pursuant to the *Financial Administration Act* (Canada), remission is granted of any tax, interest or penalty paid under the Federal Act by or for an individual, and where any tax, interest or penalty was paid by that individual under this Act in respect of the same circumstances that gave rise to the remission granted under the *Financial Administration Act* (Canada), the provincial Minister may, if he considers that the circumstances are sufficiently similar and that a remission of any money paid under this Act should be granted either in the public interest or for the relief of hardship, grant remission of all or any part of any tax, interest or penalty paid under this Act in such circumstances, and may authorize the repayment to the person entitled thereto of any amount remitted by him in accordance with this section.

s. 47 (4),
amended

5. Subsection 4 of section 47 of the said Act is amended by striking out "that he has charge of the appropriate records," in the fifth line.

Commence-
ment

- 6.—(1) This Act, except sections 1 and 5, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1978.

Idem

- (3) Section 5 comes into force on the 1st day of January, 1979.

Short title

7. The short title of this Act is *The Income Tax Amendment Act, 1978*.

An Act to amend
The Income Tax Act

1st Reading

October 26th, 1978

2nd Reading

November 27th, 1978

3rd Reading

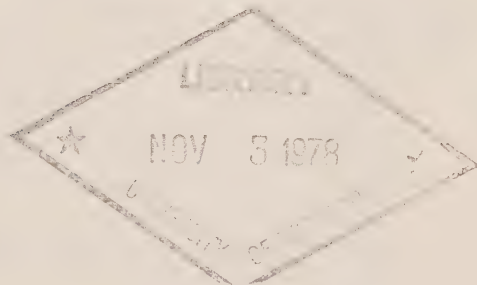
November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Gasoline Tax Act, 1973

THE HON. L. MAECK
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The new provisions convert as closely as possible the tax based on imperial gallons to one based on metric measurement in litres. The conversion to the metric basis of taxation is to take place on January 1st, 1979 so that the change can be effected at the time when metric equipment will come into general use in the sale of gasoline and aviation fuel.

Subsection 2. The new subsection provides that money received by a dealer on account of or in lieu of the tax imposed with respect to gasoline or aviation fuel shall, for all purposes of the Act, be treated as though it were the tax paid or collected under the Act.

SECTION 2. The two new subsections provide for a limitation of two years in the application for refunds of overpayments under the Act, except that, by the new subsection 5, the two-year limitation will not apply where the overpayment results from a court decision or a reassessment of tax.

BILL 158

1978

An Act to amend The Gasoline Tax Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1 and 2 of section 2 of *The Gasoline Tax Act, 1973*, being chapter 99, are repealed and the following substituted therefor: s. 2 (1, 2), re-enacted

(1) Every purchaser of gasoline shall pay to the Treasurer a tax at the rate of 4.2 cents per litre on all gasoline purchased, or delivery of which is received, by him. Tax payable by purchaser

(2) Every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 0.66 cents per litre on all aviation fuel purchased, or delivery of which is received, by him. Tax on aviation fuel

- (2) The said section 2 is amended by adding thereto the following subsection: s. 2, amended

(4) Where any person selling gasoline or aviation fuel receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act. Amounts in lieu of tax

2. Section 27 of the said Act is amended by adding thereto the following subsections: s. 27, amended

Limitation	(4) Notwithstanding subsection 1, no refund or application of an overpayment of tax shall be made unless, within two years following the date when such overpayment was first made, an application for the refund thereof is made to the Minister and it is established within such two years to the satisfaction of the Minister that the amount a refund of which is sought was not payable under this Act.
Exception	(5) Where, as the result of an assessment or re-assessment or the final decision of a court in proceedings commenced under section 14, the person assessed or re-assessed or the appellant, as the case may be, has overpaid the tax payable under this Act, the amount of such overpayment shall be refunded or applied in accordance with subsection 1 and notwithstanding the limitations contained in subsection 4.
s. 30a, enacted	3. The said Act is amended by adding thereto the following section:
Inter- provincial settlement of competing tax claims	30a. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of gasoline or aviation fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of gasoline or aviation fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in lieu of refunding such tax to the person who paid it and who became liable for a similar tax in such other jurisdiction.
Commence- ment	4.—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent.
Idem	(2) Subsection 1 of section 1 comes into force on the 1st day of January, 1979.
Short title	5. The short title of this Act is <i>The Gasoline Tax Amendment Act, 1978</i> .

SECTION 3. The new section authorizes the Lieutenant Governor in Council to make agreements with other provinces or territories for the settlement of competing tax claims with respect to the same gasoline or aviation fuel, and will allow the transfer between agreeing jurisdictions of tax paid to one jurisdiction by a person who owes it to the other. Such interprovincial transfers will avoid the necessity of elaborate record-keeping on the part of a taxpayer to enable him to claim a refund from one agreeing jurisdiction to meet his tax liability to the other agreeing jurisdiction.

An Act to amend
The Gasoline Tax Act, 1973

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

THE HON. L. MAECK
Minister of Revenue

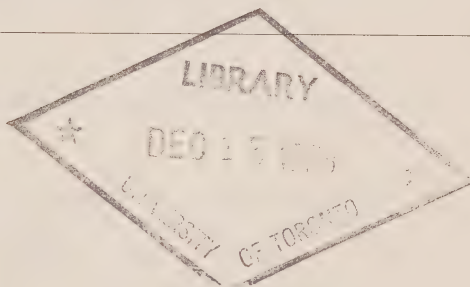
(Government Bill)

3
F BILL 158

2ND SESSION, 31ST LEGISLATURE, ⁷ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Gasoline Tax Act, 1973

THE HON. L. MAECK
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 158

1978

An Act to amend The Gasoline Tax Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1 and 2 of section 2 of *The Gasoline Tax Act, 1973*, being chapter 99, are repealed and the following substituted therefor: s. 2 (1, 2), re-enacted

(1) Every purchaser of gasoline shall pay to the Treasurer a tax at the rate of 4.2 cents per litre on all gasoline purchased, or delivery of which is received, by him. Tax payable by purchaser

(2) Every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 0.66 cents per litre on all aviation fuel purchased, or delivery of which is received, by him. Tax on aviation fuel

- (2) The said section 2 is amended by adding thereto the following subsection: s. 2, amended

(4) Where any person selling gasoline or aviation fuel receives any payment made as or in lieu of the tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act or the regulations for the collection and enforcement of the tax payable under this Act. Amounts in lieu of tax

2. Section 27 of the said Act is amended by adding thereto the following subsections: s. 27, amended

Limitation

(4) Notwithstanding subsection 1, no refund or application of an overpayment of tax shall be made unless, within two years following the date when such overpayment was first made, an application for the refund thereof is made to the Minister and it is established within such two years to the satisfaction of the Minister that the amount a refund of which is sought was not payable under this Act.

Exception

(5) Where, as the result of an assessment or re-assessment or the final decision of a court in proceedings commenced under section 14, the person assessed or re-assessed or the appellant, as the case may be, has overpaid the tax payable under this Act, the amount of such overpayment shall be refunded or applied in accordance with subsection 1 and notwithstanding the limitations contained in subsection 4.

s. 30a,
enacted

3. The said Act is amended by adding thereto the following section:

Inter-
provincial
settlement
of competing
tax claims

30a. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of gasoline or aviation fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition thereof of gasoline or aviation fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in lieu of refunding such tax to the person who paid it and who became liable for a similar tax in such other jurisdiction.

Commence-
ment

4.—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1 comes into force on the 1st day of January, 1979.

Short title

5. The short title of this Act is *The Gasoline Tax Amendment Act, 1978*.

An Act to amend
The Gasoline Tax Act, 1973

1st Reading

October 26th, 1978

2nd Reading

November 27th, 1978

3rd Reading

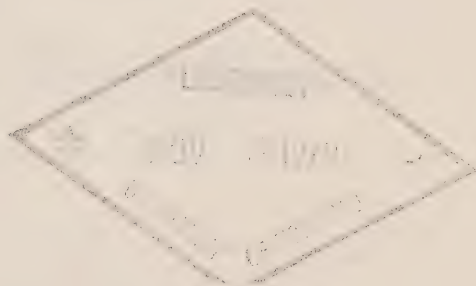
November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Motor Vehicle Fuel Tax Act**

THE HON. L. MAECK
Minister of Revenue



EXPLANATORY NOTES

GENERAL. The amendments proposed in the Bill provide firstly, for the metrication of the present references in the Act to imperial gallons and secondly, for the addition of certain administrative changes to the Act.

SECTION 1. The amendment replaces a reference to 75 imperial gallons of fuel with a reference to 350 litres, a slightly larger amount.

SECTION 2. The amendments substitute for the tax of 25 cents per imperial gallon the equivalent tax rate of 5.5 cents per litre of fuel. Apart from this change, the proposed amendments do not otherwise alter the subsections that are re-enacted.

SECTIONS 3 AND 4. The proposed amendments change references in the Act from imperial gallons to litres of fuel.

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 3 of section 2 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 18, section 1, is amended by striking out "75 gallons" in the seventh line and inserting in lieu thereof "350 litres". s. 2 (3) (b),
amended

- 2.—(1) Subsection 1 of section 3 of the said Act, as re-enacted s. 3 (1),
re-enacted by the Statutes of Ontario, 1972, chapter 14, section 2, is repealed and the following substituted therefor:

(1) Every purchaser shall pay to the Treasurer a tax at Tax the rate of 5.5 cents per litre on all fuel received or used in Ontario by him to generate power in a motor vehicle.

- (2) Subsection 2 of the said section 3, as amended by the s. 3 (2),
re-enacted Statutes of Ontario, 1972, chapter 14, section 2, is repealed and the following substituted therefor:

(2) Every registrant shall pay to the Treasurer a tax at Idem the rate of 5.5 cents per litre on all fuel used by him to generate power in a motor vehicle.

3. Subsection 1 of section 4 of the said Act, as amended by the s. 4 (1),
amended Statutes of Ontario, 1972, chapter 147, section 3 and 1977, chapter 18, section 3, is further amended by striking out "forty imperial gallons" in the first line and inserting in lieu thereof "200 litres".

4. Subsection 1 of section 4a of the said Act, as enacted by the s. 4a (1),
amended Statutes of Ontario, 1972, chapter 147, section 4 and amended by 1977, chapter 18, section 4, is further amended by striking out "forty imperial gallons" in the eighth line and inserting in lieu thereof "200 litres".

s. 8 (1) (a),
re-enacted

5. Clause *a* of subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

(a) without notice or demand and at the time and in the manner prescribed in the regulations; or

s. 16 (1),
amended

6.—(1) Subsection 1 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 147, section 8, is amended by striking out “or” at the end of clause *b* and by striking out clause *c*.

s. 16 (2, 3),
re-enacted

(2) Subsections 2 and 3 of the said section 16 are repealed and the following substituted therefor:

Garnishment

(2) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(3) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(4) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 2 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on

SECTION 5. The amendment provides that the manner and time of filing a return under the Act will be prescribed by regulation. This will enable return dates to be adjusted for different classes of registrants so that the requirements will more nearly fit the volume and nature of business for which the return is to be made. The provision to be repealed by this amendment requires all returns to be filed on or before the 25th of each month. That provision reads:

8.—(1) *Every registrant shall,*

(a) on or before the 25th day of each month, without notice or demand; or

SECTION 6.—Subsection 1. The clause that is being repealed provided for the examination and seizure of records and books, and also for garnishment of debts owed to a purchaser or registrant who was liable for unpaid tax under the Act. Provisions for the examination and seizure of records similar to equivalent provisions in other revenue statutes of the Province are now contained in subsection 1 of section 16a of the Act. Provisions to authorize the garnishment debts will be proposed in the next subsection of this Bill, and section 16 (1) (c) will then be unnecessary. The clause to be repealed now reads:

(c) the Minister or any officer authorized by him may enter upon the premises of a registrant or purchaser or any other place in Ontario where the books or records of a registrant or purchaser or any part of them are kept and make such investigation and examination as he considers necessary, and may seize any of the books and records and may by notice in writing, require that any person who may be indebted to a registrant or to a purchaser shall pay the debt to the Treasurer.

Subsection 2. The subsections to be repealed are re-enacted in fuller terms in the subsections that are proposed to be added to section 16 of the Act. These new subsections are identical to those contained in other revenue statutes of the Province to authorize the garnishment of debts to collect unpaid taxes owing under the Act.

SECTION 7. The amendment proposed replaces a reference to gallons with a reference to litres.

SECTION 8. The new section authorizes the Lieutenant Governor in Council to make agreements with other provinces or territories of Canada for the settlement of competing tax claims with respect to the same fuel, and will allow the transfer between agreeing jurisdictions of tax paid to one by a person who owes it to the other. Such interprovincial transfers will avoid the necessity of elaborate record-keeping on the part of a taxpayer to enable him to claim a refund from one agreeing jurisdiction to meet his tax liability to the other agreeing jurisdiction.

business in partnership, the registered or other letter under subsection 2 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(7) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment
of wages
R.S.O. 1970,
c. 486

(8) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure
to remit

7. Subsection 1 of section 16*b* of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 18, section 8, is amended by striking out "40 gallons" in the second line and inserting in lieu thereof "200 litres".

s. 16*b* (1),
amended

8. The said Act is amended by adding thereto the following section:

s. 19*a*,
enacted

19*a*. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in

Inter-
provincial
settlement
of competing
tax claims

lieu of refunding such tax to the person who paid it and who became liable for a similar tax in such other jurisdiction.

Commence-
ment

9.—(1) This Act, except sections 1 to 5 and section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 5 and section 7 come into force on the 1st day of January, 1979.

Short title

10. The short title of this Act is *The Motor Vehicle Fuel Tax Amendment Act, 1978*.

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

THE HON. L. MAECK
Minister of Revenue

(Government Bill)

ONTARIO
St. Lewis

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 159

1978

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 3 of section 2 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 18, section 1, is amended by striking out "75 gallons" in the seventh line and inserting in lieu thereof "350 litres". s. 2 (3) (b),
amended

- 2.—(1) Subsection 1 of section 3 of the said Act, as re-enacted s. 3 (1),
re-enacted by the Statutes of Ontario, 1972, chapter 14, section 2, is repealed and the following substituted therefor:
 - (1) Every purchaser shall pay to the Treasurer a tax at ^{Tax} the rate of 5.5 cents per litre on all fuel received or used in Ontario by him to generate power in a motor vehicle.
 - (2) Subsection 2 of the said section 3, as amended by the s. 3 (2),
re-enacted Statutes of Ontario, 1972, chapter 14, section 2, is repealed and the following substituted therefor:
 - (2) Every registrant shall pay to the Treasurer a tax at ^{Idem} the rate of 5.5 cents per litre on all fuel used by him to generate power in a motor vehicle.

3. Subsection 1 of section 4 of the said Act, as amended by the s. 4 (1),
amended Statutes of Ontario, 1972, chapter 147, section 3 and 1977, chapter 18, section 3, is further amended by striking out "forty imperial gallons" in the first line and inserting in lieu thereof "200 litres".

4. Subsection 1 of section 4*a* of the said Act, as enacted by the s. 4*a* (1),
amended Statutes of Ontario, 1972, chapter 147, section 4 and amended by 1977, chapter 18, section 4, is further amended by striking out "forty imperial gallons" in the eighth line and inserting in lieu thereof "200 litres".

s. 8 (1) (a),
re-enacted

5. Clause *a* of subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

(a) without notice or demand and at the time and in the manner prescribed in the regulations; or

s. 16 (1),
amended

- 6.—(1) Subsection 1 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 147, section 8, is amended by striking out “or” at the end of clause *b* and by striking out clause *c*.

s. 16 (2, 3),
re-enacted

- (2) Subsections 2 and 3 of the said section 16 are repealed and the following substituted therefor:

Garnishment

(2) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(3) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(4) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name and style other than his own name, the registered or other letter under subsection 2 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on

business in partnership, the registered or other letter under subsection 2 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

(7) Subject to *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Garnishment
of wages
R.S.O. 1970,
c. 486

(8) Where any person, without reasonable excuse, has failed to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Failure
to remit

7. Subsection 1 of section 16*b* of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 18, section 8, is amended by striking out "40 gallons" in the second line and inserting in lieu thereof "200 litres".

s. 16*b* (1),
amended

8. The said Act is amended by adding thereto the following section:

s. 19*a*,
enacted

19*a*. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in

Inter-
provincial
settlement
of competing
tax claims

lieu of refunding such tax to the person who paid it and who became liable for a similar tax in such other jurisdiction.

Commence-
ment

9.—(1) This Act, except sections 1 to 5 and section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 5 and section 7 come into force on the 1st day of January, 1979.

Short title

10. The short title of this Act is *The Motor Vehicle Fuel Tax Amendment Act, 1978*.

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

October 26th, 1978

2nd Reading

November 27th, 1978

3rd Reading

November 30th, 1978

THE HON. L. MAECK
Minister of Revenue

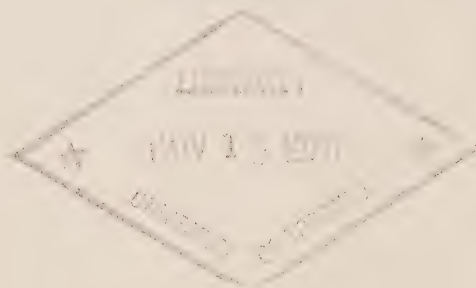
BILL 160

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Coroners Act, 1972

MR. LUPUSELLA



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require an inquest in the case of all deaths resulting from accidents occurring during employment in a work place.

BILL 160

1978

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4a of section 9 of *The Coroners Act, 1972*, being chapter 98, as enacted by the Statutes of Ontario, 1978, chapter 38, section 4, is repealed and the following substituted therefor: s. 9 (4a),
re-enacted

(4a) Where a worker dies as a result of an accident occurring in the course of the worker's employment at or in a work place, the person in charge of the work place shall immediately give notice of the death to a coroner and the coroner shall issue a warrant to hold an inquest upon the body. Death in
work place

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Coroners Amendment Act, 1978*. Short title

An Act to amend
The Coroners Act, 1972

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

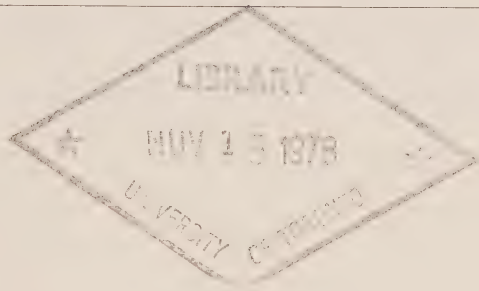
MR. LUPUSIELA

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Employment Standards Act, 1974**

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to ensure that no employee engaged in the preparation or service of food in a tavern, restaurant, hotel, motel or tourist resort be required, as a term or condition of employment, to work while nude or partially nude.

BILL 161

1978

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act, 1974*, being chapter 112, is amended by adding thereto the following section: s. 15a,
enacted

15a.—(1) No employer shall require as a term or condition of employment that a person engaged in the preparation or service of food or drink in a tavern, restaurant, hotel, motel or tourist resort be nude or partially nude while so engaged. No employer
to require
nudity

(2) In subsection 1, a person is partially nude when the person is dressed in such a manner that one or more parts of the body that are usually clothed in public are visibly exposed to public view. Interpre-
tation

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Employment Standards Amendment Act, 1978*. Short title

An Act to amend
The Employment Standards Act, 1974

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

V.B.
- 556

17 **BILL 162**

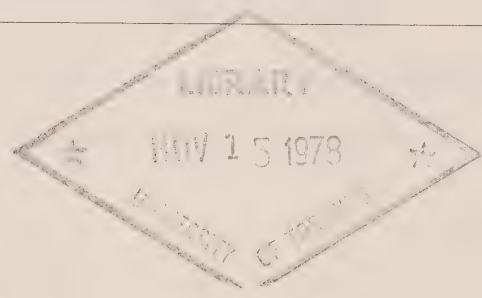
Private Member's Bill

Publication

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Labour Relations Act

MR. MACKENZIE



EXPLANATORY NOTE

Subsection 1 of section 36a, as it currently reads, is set out below, with the words to be deleted by the amendment underlined.

- (1) *Except in the construction industry, where a trade union that is the bargaining agent for employees in a bargaining unit so requests, there shall be included in the collective agreement between the trade union and the employer of the employees a provision that at the written request of an employee in the bargaining unit the employer shall deduct from the wages of the employee the amount of the regular union dues payable by members of the trade union and remit the amount to the trade union.*

The proposed amendment requires the inclusion in every collective agreement of a provision providing for the deduction of union dues by an employer from an employee's wages. The provision does not apply to the construction industry.

BILL 162

1978

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 36a of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 76, section 9, is repealed and the following substituted therefor:

(1) Except in the construction industry, where a trade union that is the bargaining agent for employees in a bargaining unit so requests, there shall be included in the collective agreement between the trade union and the employer of the employees a provision that the employer shall deduct from the wages of each employee the amount of the regular union dues payable by members of the trade union and remit the amount to the trade union.

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Labour Relations Amendment Act, 1978*.

An Act to amend
The Labour Relations Act

1st Reading

October 26th, 1978

2nd Reading

3rd Reading

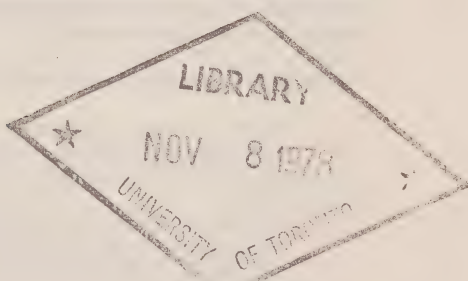
MR. MACKENZIE

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to reform the Law
respecting Residential Tenancies**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Bill restates and reforms the law as it applies to residential tenancies and provides for the continuation, until December 31st, 1980, of the residential premises rent review program now governed by *The Residential Premises Rent Review Act, 1975*.

A new tribunal is established, under the name of the Residential Tenancy Commission, that will discharge the duties now performed by county court judges in respect of residential tenancy matters in general and as well the duties of Rent Review Officers and the Residential Premises Rent Review Board in respect of rent review matters.

It is intended that the new Commission will assume the rent review role on the 1st day of March, 1979 (*The Residential Premises Rent Review Act, 1975*, by section 20 of that Act, is repealed on the 28th day of February, 1979) and will at the earliest practicable date take over the function of the county court judges in respect of landlord and tenant matters generally. To provide for this transfer of jurisdiction, relevant portions of the Act will be proclaimed in force at the appropriate times. Matters in process at the time the Commission assumes jurisdiction will be carried forward to their conclusion by the body then seized of the matter.

Part IV of *The Landlord and Tenant Act*, that governs residential tenancies is repealed. The balance of that Act will continue to apply to non-residential tenancy matters and the Act is renamed *The Commercial Tenancies Act*.

Roomers and boarders will be afforded the benefits and be subject to the obligations of other tenants of residential premises; *The Innkeepers Act* is amended accordingly so that those persons will no longer come under that Act. The principal effect is that roomers and boarders will enjoy a measure of security of tenure and will not be liable to arbitrary eviction, nor may their personal belongings be seized by the landlord for arrears of rent.

The provisions of the substantive law relating to residential tenancies are found in Parts I to VII of the Bill. An attempt is made to shed the archaic terminology and the sometimes irrational distinctions embodied in *The Landlord and Tenant Act* that have their roots in medieval land law, and to state in more comprehensible terms the basic rights and responsibilities, both of landlords and of tenants.

Among the principal features of those Parts of the Bill are the following:

1. Written tenancy agreements are to be in the standard form prescribed by the regulations; those that are not, as well as oral tenancy agreements are deemed to be so (s. 5).
2. Additional benefits and obligations may, by agreement, be incorporated in a tenancy agreement, but only to the extent they do not conflict with the Act; house rules imposed by a landlord must be reasonable (s. 6).
3. Rent acceleration provisions may not be included in a tenancy agreement (s. 7).
4. Charges by a landlord in the nature of "key money" are prohibited (s. 10).

5. Express permission to breach an obligation does not prevent the enforcement of the obligation when another breach occurs (s. 12).
6. An assignment or a subletting by a tenant requires the landlord's consent (which may not be unreasonably withheld); no charge may be made for granting the consent except to cover the landlord's reasonable expenses, in any event not to exceed \$50. The Commission may dispense with the necessity for the consent where it is shown the landlord has unreasonably withheld it (s. 16).
7. Procedures are set out providing for the manner in which a landlord may deal with personal property left by a tenant when the tenant abandons or vacates the rental unit (s. 62).
8. Wherever an obligation is imposed on a landlord or on a tenant, appropriate remedies are, on application to the Commission, available to the party aggrieved when a breach of the obligation occurs.
9. Failure to comply with an order of the Commission is an offence punishable on conviction by a fine of up to \$2,000, or, in the case of a corporation, \$25,000 (s. 119).
10. Alternatively, failure on the part of a tenant to comply with an order of the Commission may result in the tenant being evicted; on the part of a landlord, it may result in a further order of the Commission directing the tenant's rent being paid to the Commission (ss. 43, 44).
11. Every landlord is to maintain, and have available for inspection, a rent schedule showing the current rent being charged for each rental unit in his building, as well as the last rent charged, and to post a notice indicating where the schedule may be examined (s. 33).
12. Public utilities are required to give seven days notice if they intend to cut off service to a residential complex; on receipt of such notice, the Commission may require tenants of the complex to pay their rent to the Commission, to be used by the Commission to restore or prevent the discontinuance of the supply of the utility (ss. 29, 110).
13. A tenant is subject to eviction where his conduct unreasonably interferes with the safety or reasonable enjoyment of their premises by the landlord or other tenants; where a landlord fails to take appropriate action in respect of such a tenant, any other tenant affected by the disruptive tenant's conduct may initiate proceedings (s. 38).
14. A landlord may regain possession of a rental unit on the grounds he requires it for his own residence (s. 51) or for demolition or extensive repairs (s. 52), but if it is subsequently established before the Commission that the landlord did not, in good faith, require possession of the unit for any of those purposes, the Commission may order the landlord to compensate the tenant affected for moving expenses and any increase in rent the tenant incurred as a result (s. 53).
15. The tenant's right to privacy is confirmed, and the circumstances under which a landlord is entitled to enter the tenant's rental unit are made clear (s. 26).

16. On the application of a landlord, prompt eviction of a tenant may be ordered by the Commission where it is established the tenant has seriously breached an obligation, such as unreasonable interference with the safety of others or causing extraordinary damage (s. 39).
17. For the guidance of landlords, circumstances that establish when a tenant has vacated or abandoned a rental unit are set out (s. 1 (2, 3)).
18. Where a tenant is uncertain as to who is entitled to be paid the rent for his unit, he may apply to the Commission to ascertain the matter (s. 21).
19. It is made clear that a landlord is responsible for providing and maintaining in a good state of repair not only the rental unit and the residential complex in which it is situate but also services and facilities promised by him; conversely the tenant is obligated to maintain the unit and the services and facilities of which he has exclusive use in a state of ordinary cleanliness and is responsible for any damage to them caused by his wilful or negligent conduct (ss. 28, 37, 40).

Part VIII of the Bill establishes the Residential Tenancy Commission. Its members are appointed by the Lieutenant Governor in Council for renewable terms not exceeding five years each, and a Commissioner may only be removed from office during his term for misbehaviour or inability to properly perform his duties. The general supervision over the conduct of the affairs of the Commission is vested in a Board of Directors composed of a number of Commissioners designated by the Lieutenant Governor in Council. One of the members of the Board of Directors will be designated Chief Tenancy Commissioner, and will be the chairman and chief executive officer of the Commission.

In addition to its adjudicative functions, the Commission will advise and assist the public on all residential tenancy matters and generally ensure that landlords and tenants are aware of their respective benefits and obligations (s. 78).

The Commission has exclusive jurisdiction to hear and determine all residential landlord and tenant matters, except those in which a monetary claim in excess of \$1,000 is in issue; those claims may be brought before a court of competent jurisdiction, and such courts are empowered in that case to stay any collateral proceedings before the Commission and to deal with those matters as though the court were the Commission (s. 81).

Matters otherwise outside the jurisdiction of the Commission may nevertheless, on the consent of the parties affected, be arbitrated by the Commission, in which case the decision of the Commission is binding on the parties and may be enforced as though it were an order of the Commission (s. 82).

Regions in Ontario will be established by the Minister and all applications to and proceedings before the Commission will be held in the region in which the residential complex in question is situate (ss. 83, 84).

Part IX of the Bill governs procedures before the Commission: these are designed to be expeditious and convenient (the Commission may operate evenings and week-ends), and will not require the payment of fees (ss. 89-91).

On receipt of an application, the Commission will attempt to settle the matter by mediation and agreement by the parties (except where the application is for whole building rent review under Part XI). Failing agreement, a hearing will be held before a single Commissioner (ss. 99, 100).

An appeal from the order of a single Commissioner may be taken and will be heard by an appeal panel composed of three members of the Board of Directors of the Commission (s. 114).

A further appeal, on a question of law, may be taken to the Supreme Court (s. 115).

On a hearing the Commission will itself question the parties and their witnesses; the Commission may also conduct inquiries or inspections it considers necessary, and, in making its determination, may consider any relevant information it has obtained, in addition to the evidence given at the hearing (ss. 104-106).

Parties to a proceeding are entitled to examine all material filed with the Commission relevant to the proceeding (s. 103).

Part X of the Bill contains the regulation-making authority of the Lieutenant Governor in Council and specifies offences under the Act.

Part XI of the Bill governs rent review and extends that program until December 31st, 1980. The maximum increase permitted without application to the Commission is 6 per cent until December 31st, 1979. For the final year of the program the maximum increase permitted may be prescribed by regulation.

The Bill provides for one rent review per building per year where a landlord wishes to increase rents by more than 6 per cent. On a whole building review application, the Commission will determine the total rent increase to be permitted and how that increase is to be apportioned among the rental units. In making that apportionment, the Commission may consider variations in the rents being charged for similar units within the complex; discrepancies may thus be eliminated or reduced. Where the Commission finds it necessary, in order to relieve a landlord from hardship, it may allow a rent increase sufficient to bring gross revenue to not more than 2 per cent above operating costs. Exempted from rent review are:

1. Rental units owned or operated by governments or their agencies.
2. Rental units in buildings no part of which was occupied as a rental unit before January 1st, 1976.
3. Mobile homes or mobile home sites not in existence before January 1st, 1976.
4. After December 31st, 1979, rental units having monthly rentals of \$500 or more, if exempted by regulation.

Additionally, in the case of buildings containing six or fewer rental units, a landlord and a tenant, with the approval of the Commission, may agree to a rent increase in the prescribed form, in which case the rent review provisions of Part XI will not apply. Upon the expiration of the agreement, rent review will again apply to the rental unit and the method of determining the maximum rent then chargeable is set out (s. 130 (2) (b)).

Where a landlord reduces a tenant's rent in a municipality designated by the Minister as economically depressed, provision is made for the landlord, not sooner than twelve months later, to increase the rent and the method of determining the maximum rent then chargeable is set out.

Part XII of the Bill deals with transitional matters consequent on the coming into force of the new Act and the transfer of jurisdiction to the Residential Tenancies Commission.

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BILL 163

1978

An Act to reform the Law respecting Residential Tenancies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “benefits and obligations” includes all benefits and obligations, regardless of whether they touch and concern the land and regardless of whether they relate to things that were in existence at the time the tenancy agreement was made;
- (b) “Board of Directors” means the Board of Directors of the Commission;
- (c) “caretaker’s unit” means a rental unit used by a person employed as a caretaker, janitor, manager, watchman, security guard or superintendent in respect of the residential complex in which the rental unit is situated;
- (d) “Commission” means the Residential Tenancy Commission established under Part VIII;
- (e) “landlord” includes the owner, or other person permitting occupancy of a rental unit, and his heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;
- (f) “mail” means first-class, registered or certified mail;

- (g) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (h) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (i) "mobile home park" means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;
- (j) "non-profit co-operative housing corporation" means a corporation incorporated without share capital under *The Co-operative Corporations Act, 1973* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,
 - (i) its activities shall be carried on without the purpose of gain for its members,
 - (ii) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
 - (iii) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and
 - (iv) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;
- (k) "prescribed" means prescribed by the regulations made under this Act;

- (l) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or his agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing;
- (m) "rent deposit" means a security deposit that section 9 does not prohibit a landlord from requiring or receiving;
- (n) "rental unit" means any living accommodation or site for a mobile home used or intended for use as rented residential premises and includes a room in a boarding house or lodging house;
- (o) "residential complex" means a building, related group of buildings or mobile home park, in which one or more rental units are located and includes all common areas, services and facilities available for the use of residents of the building, buildings or park;
- (p) "security deposit" means money or any property or right paid or given by a tenant to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (q) "services and facilities" includes,
 - (i) furniture, appliances and furnishings,
 - (ii) parking and related facilities,
 - (iii) laundry facilities,
 - (iv) elevator facilities,
 - (v) common recreational facilities,
 - (vi) garbage facilities and related services,
 - (vii) cleaning or maintenance services,
 - (viii) storage facilities,
 - (ix) intercom systems,

- (x) cablevision facilities,
- (xi) heating facilities or services,
- (xii) air-conditioning facilities,
- (xiii) utilities and related services;

R.S.C. 1970,
c. N-10;
R.S.O. 1970,
cc. 213, 317

- (r) "subsidized public housing" means a rental unit rented to persons or families of low or modest income at reduced rents by reason of public funding provided by Canada, Ontario or a municipality or by any agency thereof, pursuant to the *National Housing Act* (Canada), *The Housing Development Act* or *The Ontario Housing Corporation Act*, and where the amount of the reduced rent is determined by the income of the tenant;
- (s) "tenancy agreement" means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;
- (t) "tenant" means a person who pays rent in return for the right to occupy a rental unit and his heirs, assigns and personal representatives and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

Idem

(2) For the purposes of this Act, a tenant has vacated the rental unit and the residential complex where the tenancy has been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

Idem

(3) For the purposes of this Act, a tenant has abandoned the rental unit and the residential complex where the tenancy has not been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, has not expressed an intention to resume living in the rental unit, and the rent he has paid,

including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

2.—(1) This Act applies to rental units in residential complexes and to tenancy agreements, despite any other Act and despite any agreement or waiver to the contrary. Application
of Act

(2) Where a provision of this Act conflicts with a provision of any other Act, other than *The Condominium Act*, the provision of this Act applies. Conflict
R.S.O. 1970,
c. 77

3. This Act is binding on the Crown.

Act binds
Crown

4. This Act does not apply to,

Exemptions
from Act

- (a) temporary living accommodation provided in a hotel, motel, inn, tourist home or hostel;
- (b) living accommodation occupied as a vacation home for a seasonal or temporary period;
- (c) living accommodation situate on a farm where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;
- (d) living accommodation occupied by a member of a non-profit co-operative housing corporation;
- (e) premises established to house persons for penal, correctional, rehabilitative, or therapeutic purposes;
- (f) living accommodation established to temporarily shelter persons in need;
- (g) living accommodation provided by a hospital or nursing home;
- (h) living accommodation provided by a religious institution for a charitable use on a non-profit basis;
- (i) living accommodation provided by an educational institution for its students or staff;
- (j) living accommodation situate in a building or project used in whole or in part for non-residential purposes where occupancy of the premises is conditional upon the occupant continuing to be an employee, or perform services related to a business or enterprise carried on in the building or project;

- (k) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit;
- (l) such class or classes of accommodation as are designated by the regulations.

PART I

TENANCY AGREEMENTS

Agreement
may be oral
or written

5.—(1) A tenancy agreement may be made orally or in writing.

Term
of oral
agreement

(2) An oral tenancy agreement for a term or period greater than one year shall be deemed to be a tenancy agreement for one year only.

Standard
form of
agreement

(3) A written tenancy agreement shall be in the prescribed form and shall be signed by the parties or their agents.

Agreements
deemed in
prescribed
form

(4) Every tenancy agreement not in the prescribed form shall be deemed to be in the prescribed form, the provisions of which shall apply to the tenancy.

Non-
application of
R.S.O. 1970,
c. 436

(5) *The Short Forms of Leases Act* does not apply to tenancy agreements made under this Act.

Commence-
ment of
tenancy

(6) The term or period of a tenancy shall be measured from the date the tenant is entitled to occupy the rental unit under the tenancy agreement.

Agreements
take effect
without
occupancy

(7) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for the commencement of the term or period regardless of whether the tenant has occupied the rental unit.

Remedy
where
occupancy
not given

(8) Where, on the application of a tenant, the Commission determines that the tenant was not permitted to occupy the rental unit in accordance with the tenancy agreement, the Commission may make an order requiring the landlord to compensate the tenant for loss suffered as a result of not being permitted to occupy the unit.

Additions
to standard
form

6.—(1) In addition to the benefits and obligations contained in the prescribed form of tenancy agreement, a land-

lord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances.

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit and residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances. House rules to be reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is, Where rule reasonable

(a) intended to,

(i) promote fair distribution of services and facilities to the occupants of the residential complex,

(ii) promote the safety or welfare of persons working or residing in the residential complex, or

(iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances. Determination of reasonableness

7.—(1) A tenancy agreement shall not contain any provision to the effect that a breach of the tenant's obligations under the tenancy agreement or this Act results in the whole or any part of the remaining rent becoming due and payable, or result in a specific sum becoming due and payable, and any provision of this kind is void. Accelerated rent prohibited

Remedy
where
accelerated
rent paid

(2) Where, on the application of a tenant, the Commission determines that any moneys that the tenant has paid to the landlord have been paid under a provision in the tenancy agreement that is void under subsection 1, the Commission may make an order requiring the landlord to repay to the tenant the moneys so paid.

Delivery
of copy
of tenancy
agreement

8.—(1) Where a tenancy agreement is in writing, the landlord shall ensure that a copy of the agreement, signed by the landlord and the tenant, is given to the tenant within twenty-one days after it has been signed by the tenant and given to the landlord.

Failure to
deliver copy
of agreement

(2) Where the copy of the tenancy agreement is not given to the tenant in accordance with subsection 1, the landlord's right to enforce the tenant's obligation to pay rent is postponed until the copy is given to the tenant.

Security
deposits

9.—(1) A landlord shall not require or receive a security deposit from a tenant other than,

(a) in the case of a weekly tenancy, the rent for a period not exceeding two weeks; or

(b) in the case of a tenancy other than a weekly tenancy, the rent for a period not exceeding one month,

which shall be applied in payment of the rent for the period immediately preceding the termination of the tenancy.

Where rent
increased

(2) Where there has been a lawful rent increase, a landlord may require the tenant to pay, as an addition to the rent deposit, the amount necessary to increase the deposit to a sum not exceeding the new rent for the period to which the deposit is applicable.

Interest

(3) A landlord shall pay annually to the tenant interest on the rent deposit at the rate of 6 per cent per year or such other rate as is prescribed.

Remedies

(4) Where, on the application of a landlord or a tenant, the Commission determines that any sum of money is payable under this section or that a sum of money has been paid in excess of that permitted, the Commission may make an order requiring the payment of money in accordance with its determination.

Additional
charges
prohibited

10.—(1) A landlord shall not require or receive from a prospective tenant any payment, except rent, in respect of the granting of a tenancy, but nothing in this section

prevents a landlord from charging a tenant or prospective tenant for improvements to the rental unit requested by the tenant or prospective tenant where the improvements would not ordinarily be the responsibility of the landlord and any charge for the requested improvements shall be deemed not to be a rent increase under this Act.

(2) Where, on the application of a tenant or prospective tenant, the Commission determines that the tenant or prospective tenant has made any payment prohibited by subsection 1, the Commission may make an order requiring the landlord to return the payment to the tenant or prospective tenant. Remedy

11. A landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent. Post-dated cheques

12. Express permission to breach, or the failure to enforce, an obligation under a tenancy agreement or this Act does not prevent the enforcement of the obligation where another breach occurs. Permission to breach obligation

13. To the extent that they are consistent with this Act, sections 38 and 39 of *The Commercial Tenancies Act* (which concern the effects of a tenant's bankruptcy) apply to rental units and tenancy agreements under this Act. Application of R.S.O. 1970, c. 236

PART II

CHANGE OF LANDLORD OR TENANT

GENERAL

14. Where there has been a change of landlord, all benefits and obligations arising under a written tenancy agreement or this Act, bind the new landlord. Change of landlord, benefits and obligations continue

15. Where there has been an assignment of a tenancy by a tenant, all benefits and obligations arising under a written tenancy agreement or this Act, bind the new tenant. Change of tenant, benefits and obligations continue

ASSIGNMENT AND SUBLETTING

16.—(1) A tenant may, subject to subsection 2, transfer his right to occupy the rental unit to another person, but the transfer may only be one of the following types: Right to assign or sublet

1. Where the tenant does not intend to return to the rental unit, he may give up all his interest in the rental unit to the other person, in which case the transfer shall be called an assignment.
2. Where the tenant intends to return to the rental unit, he may give the right to occupy the rental unit to the other person for a term ending on a specified date before the end of the tenant's term or period and provide that the tenant will resume occupancy on that date, in which case the transfer shall be called a subletting.

Consent

- (2) An assignment or subletting is not valid unless,
 - (a) the landlord has given his written consent, which consent shall not be unreasonably withheld; or
 - (b) the Commission has made an order permitting the assignment or subletting to be made without the landlord's written consent.

Charge
for consent

- (3) A landlord shall not make any charge for giving the consent referred to in clause *a* of subsection 2 except a sum to compensate the landlord for his reasonable expenses arising from the assignment or subletting, not exceeding \$50 or such other amount as is prescribed.

Form of
consent

- (4) Consent to assign or consent to sublet shall be in the prescribed form and shall be signed by the landlord or his agent.

Form of
assignment

- (5) An assignment shall be in the prescribed form and shall be signed by the tenant and the new tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached.

Form of
subletting
agreement

- (6) A subletting agreement shall be in the prescribed form and shall be signed by the tenant and the sub-tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached.

When
assignment
or subletting
takes effect

- (7) An assignment or subletting takes effect on the date the new tenant or sub-tenant is entitled to occupancy.

Subsidized
public
housing

- (8) Subsection 1 does not apply to a tenant of subsidized public housing.

(9) Where, on the application of a landlord or a tenant, the Commission determines any question arising under this section, the Commission may make an order, Remedies

- (a) where the landlord has unreasonably withheld his consent, permitting the assignment or subletting to be made without the landlord's written consent; or
- (b) directing the payment of any moneys that are payable by one to the other.

17.—(1) Where, on the application of a landlord brought within sixty days of his learning of a transfer of occupancy, the Commission determines that there has been a transfer of occupancy that does not comply with, or is not permitted by, section 16, the Commission may make an order evicting the occupant on the earliest reasonable date. Improper assignment or subletting: remedy

(2) Where the landlord has not applied under subsection 1, the transfer of occupancy shall be deemed to have been a valid assignment from the time the new tenant first occupied the rental unit. Deemed valid assignment

(3) Where a transfer of occupancy has been deemed to be an assignment, the new tenant shall be entitled to demand a copy of the written tenancy agreement, if any, that is applicable to the rental unit. Delivery of copy of tenancy agreement

(4) Where a copy of the applicable written tenancy agreement is not given to the new tenant within twenty-one days of the new tenant's demand for it, the landlord's right to enforce the new tenant's obligation to pay rent is postponed until the copy is given to the new tenant or until the landlord has offered to enter into a new tenancy agreement with him. Failure to deliver copy of agreement

18. Where there has been an assignment under this Act, Consequences of assignment

- (a) the new tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period after the assignment, whether or not the breach began before the assignment;
- (b) the former tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period before the assignment;

- (c) the new tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period after the assignment, whether or not the breach began before the assignment;
- (d) the former tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period before the assignment; and
- (e) where the former tenant has started a proceeding under this Act before the assignment, and the benefits or obligations of the new tenant may be affected, the new tenant is entitled to join in or continue the proceeding.

Consequences
of subletting

19. Where there has been a subletting under section 16,

- (a) the tenant remains entitled to the benefits, and is liable to the landlord for the breaches of the tenant's obligations, under the tenancy agreement or this Act during the term of the subletting;
- (b) the sub-tenant is entitled to the benefits, and is liable to the tenant for the breaches of the sub-tenant's obligations, under the subletting agreement or this Act during the term of the subletting.

When
sub-tenant
must vacate

20.—(1) A sub-tenant has no right to occupy the rental unit after the end of the term of the subletting.

Remedy
against
overholding
sub-tenant

(2) Where, on the application of a tenant or a landlord, the Commission determines that a sub-tenant has continued to occupy the rental unit after the end of the term of the subletting, the Commission may make an order evicting the sub-tenant on the earliest reasonable date.

Deemed
valid
assignment

(3) Where a tenant or a landlord has not applied under subsection 2 within sixty days after the end of the term of the subletting and the sub-tenant has continued to occupy the rental unit, a valid assignment to the sub-tenant shall be deemed to have taken place on the date the sub-tenant first occupied the unit under the subletting agreement.

CHANGE OF LANDLORD

21.—(1) No sale, mortgage or other dealing with the landlord's interest in the residential complex depends for its validity on the acceptance of the transaction by the tenants of the residential complex.

Landlord's
right to sell,
mortgage, etc.

(2) A tenant may continue, without prejudice, to pay rent to his landlord until he has received written notice that another person has acquired the landlord's right to possession of the residential complex and is attempting to enforce any of the rights of the landlord under the tenancy agreement or this Act, including the right to collect rent.

Person to
whom rent
is payable

(3) Where a tenant is uncertain about who is entitled to be paid the rent, he may request the Commission to enquire into the matter and where the Commission is unable to ascertain the person entitled to the rent, the Commission may direct the tenant to pay his rent to the Commission until the person entitled to the rent is determined, at which time the rent shall be paid to that person.

Where
tenant
is uncertain

22. Where there has been a change of landlord,

Consequences
of change of
landlord

- (a) the new landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (b) the former landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period before the change of landlord;
- (c) the new landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (d) the former landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period before the change of landlord; and

- (e) where the former landlord has started a proceeding under this Act before the change of landlord, and the benefits or obligations of the new landlord may be affected, the new landlord is entitled to join in or continue the proceeding.

PART III

BENEFITS AND OBLIGATIONS

SECURITY OF TENURE

Restriction on
termination
of tenancy

23.—(1) A tenancy may not be terminated except in accordance with this Act.

Restriction
on recovery
of possession

(2) A landlord shall not regain possession of a rental unit unless,

(a) a writ of possession has authorized the regaining of possession; or

(b) the tenant has vacated or abandoned the rental unit.

Automatic
renewal
of tenancy

24.—(1) Where a tenancy agreement specifies a date for the tenancy agreement to end, the landlord and tenant shall be deemed to have renewed the tenancy agreement on that date as a monthly tenancy with the same benefits and obligations as existed under the former tenancy agreement, subject to a rent increase that complies with section 59 (notice of rent increase).

Application
of subs. 1

(2) Subsection 1 applies where,

(a) the landlord and tenant have not entered into a new tenancy agreement; and

(b) the tenancy has not been terminated in accordance with this Act.

MUTUAL OBLIGATIONS

Change of
locks:
rental unit

25.—(1) A landlord or tenant shall not change the locks on any entrance to the rental unit without the agreement of the other party made at the time of the change.

residential
complex

(2) A landlord or tenant shall not change the locks on any entrance to the residential complex so as to unreasonably interfere with the other's access to the complex.

(3) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order, Remedies

- (a) requiring the person who breached the obligation to give access to the residential complex or rental unit;
- (b) requiring the person who breached the obligation to not breach the obligation again;
- (c) requiring the person who breached the obligation to compensate the party affected for loss suffered as a result of the breach.

26.—(1) A landlord shall not enter a rental unit unless he is given the right to do so by this section. Tenant's right to privacy

(2) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter, Landlord's right to enter

- (a) to perform the landlord's obligations under the tenancy agreement and this Act;
- (b) to inspect the rental unit where the tenant has requested his consent to an assignment or subletting;
- (c) to show the rental unit to prospective tenants after the tenant has given notice to terminate the tenancy, the landlord and tenant have agreed to terminate or there is an application to the Commission to terminate;
- (d) to show the rental unit to prospective purchasers of the residential complex; or
- (e) to inspect the rental unit at the time the tenant is required to vacate the unit to determine if the tenant has fulfilled his obligations under the tenancy agreement and this Act.

(3) A landlord who intends to exercise the right to enter given by subsection 2 shall first give written notice to the tenant at least twenty-four hours before the time of entry, specifying the hours during which the landlord intends to enter the rental unit and those hours must be between 9 a.m. and 9 p.m. Need for notice

Tenant may
specify
alternative
hours

(4) Unless the tenant objects to the hours set out in the landlord's notice and specifies alternative hours that are reasonable in the circumstances, the landlord may enter in accordance with the notice given under subsection 3.

Entry
without
notice

(5) A landlord has the right to enter the rental unit without giving the notice required by subsection 3 where,

- (a) an emergency exists, in which case the tenant shall permit the landlord to enter;
- (b) the tenant consents at the time of entry; or
- (c) the landlord has good reason to believe that the tenant has vacated or abandoned the rental unit.

Remedies

(6) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order,

- (a) requiring the person who breached the obligation to not breach the obligation again;
- (b) requiring the person who breached the obligation to compensate the affected party for loss suffered as a result of the breach.

Duty to
minimize
losses

27.—(1) Where a landlord or a tenant becomes liable to pay compensation as a result of a breach of the tenancy agreement or this Act, the person entitled to claim the compensation has a duty to take reasonable steps to minimize his losses.

Landlord's
duty where
tenant
abandons

(2) Where a tenant abandons a rental unit, the landlord shall endeavour, in minimizing his losses as required by subsection 1, to re-rent the rental unit as soon as is practicable and at a reasonable rent.

LANDLORD'S OBLIGATIONS

Landlord's
responsibility
to repair

28.—(1) A landlord is responsible for providing and maintaining,

- (a) the rental unit;
- (b) the residential complex; and
- (c) all services and facilities promised by the landlord whether or not included in a written tenancy agreement,

in a good state of repair and fit for habitation during the tenancy and for complying with health, safety and housing standards required by law.

(2) Any substantial reduction in the provision of services and facilities shall be deemed to be a breach of subsection 1. Reduction of services, etc.

(3) Subsection 1 applies regardless of whether any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into. Knowledge of non-repair immaterial

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

(a) requiring the landlord to comply with his obligation;

(b) requiring the landlord to not breach his obligation again;

(c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any associated expenses;

(d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;

(e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

(5) Where, based on the obligation imposed by subsection 1, a person claims compensation for personal injury, no compensation shall be awarded unless it is shown that the landlord negligently breached the obligation. Compensation for personal injury

29.—(1) A landlord shall not, until the date the tenant vacates or abandons the rental unit, withhold or cause to be withheld the reasonable supply of any vital service, such as heat or fuel or electricity, gas, water or other public utility, that it is his obligation to supply under the tenancy agreement, or deliberately interfere with the supply of a vital service whether or not it is his obligation to supply that service during the tenant's occupancy of the rental unit. Duty to not withhold vital services

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by subsection 1, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (e) terminating the tenancy on a date specified by the Commission, where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

Notice
required
where public
utility
to be
discontinued

R.S.O. 1970,
c. 390

(3) Where a corporation, including a municipal corporation, or a public utility commission, that supplies any public utility within the meaning of *The Public Utilities Act* has reason to believe that a building or mobile home park it supplies is a residential complex, the corporation or commission shall not stop the supply from entering the residential complex or any rental unit therein because of a failure to pay the rate or charge due to the corporation or commission unless the corporation or commission, not less than seven days before the day on which the supply is to be stopped, gives notice in writing to the Commission of its intention to do so.

Role of
Commission
in preventing
discon-
tinuance

(4) Where the Commission receives a notice under subsection 3, or where the Commission is otherwise notified that the supply of a public utility to a residential complex or any rental unit therein has been or is likely to be stopped, and if the Commission after enquiry into the circumstances is of the opinion that the landlord of the residential complex has breached or is likely to breach his obligation to furnish the supply of the public utility to the residential complex, the Commission, after first affording the landlord an opportunity to be heard, may make an order directing any or all of the tenants in the residential complex to pay to the Commission all or part of the rent that would otherwise be payable to the landlord.

Duty to not
interfere with
safety or
reasonable
enjoyment

30.—(1) A landlord shall not unreasonably interfere with,

(a) the safety; or

(b) the reasonable enjoyment for all usual purposes by a tenant or members of his household,

of the rental unit or residential complex.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

31.—(1) A landlord shall not seize the personal property of a tenant for any breach by the tenant of the tenancy agreement or this Act, including the obligation to pay rent. No seizure of tenant's property

(2) Subsection 1 does not apply to a seizure of property when the seizure is made by the sheriff in satisfaction of an order of a court or the Commission. Seizure by sheriff

(3) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) that the personal property be returned;
- (b) that the landlord compensate the tenant for any damage done to the property and for the wrongful seizure.

32.—(1) A landlord shall give notice to his tenants of, Notice of legal name of landlord, etc.

- (a) the legal name of the landlord, the landlord's address for the giving of notices or documents and, where there is no agent of the landlord having authority in respect of the residential complex, the landlord's telephone number; and
- (b) the name, address and telephone number of any agent of the landlord having authority in respect of the residential complex.

(2) Where a landlord rents more than one rental unit in the same residential complex and retains possession of part of the complex for the common use of all tenants, he Posting of notice

shall fulfil the obligation imposed by subsection 1 by posting up and maintaining posted in a conspicuous place the information required by subsection 1.

Proceedings
against
landlord

(3) Any proceeding taken by a tenant may be commenced against the landlord in the name provided under clause *a* of subsection 1.

Remedy

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order requiring the landlord to comply with his obligation.

Rent
schedule

33.—(1) Every landlord shall maintain and keep available for examination at reasonable hours a schedule containing a brief description of each rental unit located in the residential complex of which he is landlord, showing opposite thereto the current rent being charged for the unit, and the immediately preceding rent that was charged, for the unit and, in addition, where there is more than one unit in the complex, shall post up conspicuously and maintain posted a notice advising tenants, former tenants, prospective tenants and other persons having an interest in the matter, of the existence of the schedule and when and where it may be examined.

Government-
owned
subsidized
public
housing

(2) Subsection 1 does not apply to a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality including a regional, district or metropolitan municipality, or any agency thereof.

Other
subsidized
public
housing

(3) Where a rental unit in a residential complex, other than a complex referred to in subsection 2, is subsidized public housing, the rent charged that is shown on the schedule shall be the total amount of rent being received by the landlord for that unit.

Remedy

(4) Where, on the application of any person having an interest in the matter, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order requiring the landlord to comply with his obligation.

Compliance
with
additional
obligations

34.—(1) A landlord shall comply with additional obligations under the tenancy agreement.

Remedies

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any associated expenses.

35.—(1) A landlord shall not restrict reasonable access ^{Entry by political canvassers} to the residential complex by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, or any office in a municipal government or a school board, for the purpose of canvassing or distributing election material.

(2) Where, on the application of a tenant or any other ^{Remedy} person affected, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order requiring the landlord to comply with his obligation.

TENANT'S OBLIGATIONS

36.—(1) A tenant shall pay to the landlord the rent law- ^{Obligation to pay rent} fully required by the tenancy agreement on the dates specified by the tenancy agreement.

(2) Where, on the application of a landlord, the Com- ^{Remedies} mission determines that a tenant has failed to pay rent in accordance with subsection 1, the Commission may make an order,

- (a) requiring the tenant to pay the rent owing;
- (b) requiring the tenant to pay his rent on time in the future;
- (c) terminating the tenancy and evicting the tenant on a date not earlier than,
 - (i) where the landlord holds a rent deposit, the last day for which rent has been paid or the fourteenth day following the application to the Commission, whichever is later, or
 - (ii) where the landlord does not hold a rent deposit, the fourteenth day following the application to the Commission.

Where
payment
prevents
termination

(3) Where, before an order is made, the tenant pays the rent due to the landlord or the Commission, the Commission shall not make an order terminating the tenancy for failure to comply with subsection 1 but may make an order requiring the tenant to pay his rent on time in the future.

Tenant
not to
withhold
rent

(4) A tenant shall not withhold the payment of rent except under section 8 or 17 (where landlord fails to give copy of tenancy agreement to tenant) or unless the Commission directs the tenant to pay all or part of his rent to the Commission.

Effect
of rent
payment to
Commission

(5) A tenant who pays all or part of his rent to the Commission where he has been directed to do so by the Commission shall be deemed not to be in breach of the obligation imposed by subsection 1, to the extent of the amount of rent so paid.

Responsibility
for repair
of damage

37.—(1) A tenant is responsible for the repair of damage to the rental unit and the residential complex, including all services and facilities provided by the landlord, caused by the tenant's wilful or negligent conduct or that of persons who are permitted on the premises by him.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) prohibiting the tenant from doing any further damage;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any associated expenses;
- (e) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Duty to not
interfere with
safety or
reasonable
enjoyment

38.—(1) A tenant shall not unreasonably interfere with,

- (a) the safety; or
- (b) the reasonable enjoyment for all usual purposes by the landlord or any other tenant or members of their households,

of the residential complex or any other rental unit.

(2) Unreasonable interference by a person permitted by a tenant to enter the residential complex or his rental unit shall be deemed to be unreasonable interference by the tenant. Deemed interference by tenant

(3) Where a tenant informs his landlord that he has been affected by a breach of the obligation imposed by subsection 1, the landlord shall investigate the complaint and take appropriate action. Landlord to investigate complaints

(4) Where, on the application of a complaining tenant who is not satisfied with the landlord's response or action, the Commission determines that there has been a breach of the obligation imposed by subsection 1, the Commission may make an order, Remedies: on application of tenant

- (a) requiring the tenant who breached the obligation to compensate the persons affected for loss suffered as a result of the breach;
- (b) terminating the tenancy and evicting the tenant who breached the obligation on a date specified by the Commission if the continuation of the tenancy would be unfair to other occupants of the residential complex.

(5) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by subsection 1, the Commission may make an order, on application of landlord

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the persons affected for loss suffered as a result of the breach;
- (d) terminating the tenancy and evicting the tenant on a date specified by the Commission.

39. Where, on the application of a landlord, the Commission determines that, Prompt eviction for serious breach

- (a) a tenant has breached the obligation not to unreasonably interfere imposed by section 38, and the continuation of the tenancy would be unfair to the other occupants of the residential complex;

- (b) a tenant has caused extraordinary damage to the rental unit, the residential complex or services and facilities provided by the landlord; or
- (c) a tenant was permitted to occupy the rental unit as a result of a promise to pay the first instalment of rent or the rent deposit within a specified time and,
 - (i) failed to do so, or
 - (ii) gave the landlord a cheque or other negotiable instrument for the first instalment of rent or the rent deposit which proved to be worthless,

the Commission may make an order terminating the tenancy and evicting the tenant on the earliest possible date.

Compliance
with
additional
obligations

40.—(1) A tenant shall comply with rules or obligations under the tenancy agreement, except those that are unenforceable under section 6 (rules to be reasonable).

Responsibility
for cleanliness

(2) A tenant shall maintain the rental unit and all services and facilities provided by the landlord of which the tenant has exclusive use in a state of ordinary cleanliness.

Overcrowding

(3) A tenant shall not permit a number of persons to occupy the rental unit on a continuing basis that results in the contravention of health, safety or housing standards required by law.

Notice of
defect

(4) A tenant shall give prompt notice to the landlord of any substantial defect in the rental unit or in the services and facilities provided by the landlord of which the tenant has exclusive use that comes to the tenant's attention.

Remedies

(5) Where, on the application of a landlord, the Commission determines that a tenant has breached an obligation imposed by this section, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effect of the tenant's breach and requiring the tenant to pay any associated expenses.

41.—(1) A tenant shall not do or permit the doing of anything illegal in the rental unit or in the residential complex. Illegal activities

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission. Remedy

42.—(1) A tenant of subsidized public housing shall not, Obligations of public housing tenants

- (a) wilfully make a false statement in his application for accommodation;
- (b) at any time knowingly and significantly misrepresent his income or assets or that of other persons occupying the rental unit;
- (c) fail to provide the landlord, within a reasonable time after being required to do so by the tenancy agreement, with a statement of income; or
- (d) permit a person who does not meet the qualifications required for occupancy to occupy the rental unit on a continuing basis despite the express prohibition of the landlord.

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission. Remedy

ENFORCEMENT OF COMMISSION ORDERS

43. Where, on the application of a tenant, the Commission determines that the landlord has failed to obey an order of the Commission or a court concerning the landlord's obligations under the tenancy agreement or this Act, the Commission may make an order directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord. Where landlord fails to comply with order

44. Where, on the application of a landlord, the Commission determines that a tenant has failed to obey an order of the Commission or a court concerning the occupancy of a rental unit or the tenant's obligations under the tenancy agreement or this Act, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission. Where tenant fails to comply with order

PART IV

TERMINATION WITHOUT FAULT

Agreement
to
terminate

45. Where a landlord and tenant agree in writing after a tenancy agreement has been made to terminate the tenancy on a specified date, the tenancy is terminated on the date specified.

Termination
by tenant:
fixed
term

46. Where a tenancy agreement specifies a date for the tenancy agreement to end, the tenant may terminate the tenancy on the date specified in the agreement by giving the landlord a notice of termination not later than thirty days before the termination date.

Termination
by tenant:
periodic
tenancy

47. Where a tenancy agreement does not specify a date for the tenancy to end, the tenant may terminate the tenancy on the last day of a period of the tenancy by giving the landlord a notice of termination,

- (a) in the case of a weekly tenancy, at least fourteen days before the termination date; or
- (b) in the case of a tenancy other than a weekly tenancy, at least thirty days before the termination date.

Contents
of tenant's
notice of
termination

48. A notice of termination by a tenant shall be in writing and shall,

- (a) be signed by the tenant or his agent;
- (b) identify the rental unit to which the notice applies; and
- (c) state the date on which the tenancy is to terminate.

Enforcement
of agreement
or notice to
terminate

49. Where, on the application of a landlord, the Commission determines that there is an agreement to terminate under section 45, or that the tenant has given a written notice of termination, the Commission may make an order,

- (a) evicting the tenant on the date specified in the agreement or notice, or on the earliest reasonable date thereafter;
- (b) requiring the tenant to compensate the landlord for the use and occupation of the rental unit, calculated for each day the tenant remains in occupation following the termination of the tenancy.

Shared
accommo-
dation

50. Where, on the application of a landlord or a tenant, the Commission determines that,

- (a) the landlord and the tenant share a bathroom or kitchen facility; and

- (b) personal differences that have arisen between the landlord and the tenant make the continuation of the tenancy unfair to either of them,

the Commission may make an order terminating the tenancy, and where the landlord is applicant, evicting the tenant, on a date specified by the Commission.

51.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith,

Termination
by landlord
for own use
or where
sale

- (a) requires possession of a rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child of parent of his spouse; or
- (b) has entered into an agreement of sale of a residential complex containing no more than three rental units and is required by the agreement of sale to deliver vacant possession of the residential complex to the purchaser,

the Commission may make an order terminating the tenancy and evicting the tenant,

- (c) on the last day of a rent payment period not earlier than sixty days after the date the application is made; or
- (d) at the end of the tenancy agreement,

whichever is later.

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *a* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Where
order may be
refused

(3) Where a tenant receives a copy of an application under subsection 1, he may, at any time before the date specified for termination in the application, terminate the tenancy by,

Early
termination
by tenant

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

Overpayment
by tenant

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission may make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Termination
for
demolition,
change of
use or
major repairs

52.—(1) Where, on the application of a landlord, the Commission determines that the landlord requires possession of a rental unit for the purposes of,

- (a) demolition;
- (b) changing the use of the rental unit to a use other than that of rented residential premises; or
- (c) making repairs or renovations so extensive as to require a building permit and vacant possession of the rental unit,

and that the landlord has obtained all necessary permits or other authority that may be required, the Commission may make an order terminating the tenancy and evicting the tenant,

- (d) on the last day of a rent payment period not earlier than 120 days after the application is made; or
- (e) at the end of the tenancy agreement,

whichever is later.

Where
order
may be
refused

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *b* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Early
termination
by tenant

(3) Where a tenant receives a copy of an application under subsection 1, he may at any time before the date specified for termination in the application, terminate the tenancy by,

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission may make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Overpayment
by tenant

(5) Where a tenant has received a copy of an application for termination under clause c of subsection 1 and has indicated in writing to the landlord, before vacating the rental unit, that he wishes to have a right of first refusal to rent the unit as a tenant when the repairs or renovations are completed, the tenant shall have the right of first refusal to rent the unit, at the lowest rent that would be charged to any other tenant for the same unit, provided that the tenant informs the landlord by mail of any change of address.

Tenant's
right of
first refusal

(6) Where, on the application of a former tenant, the Commission determines that the landlord has deprived the tenant of the benefit of subsection 5, the Commission may make an order requiring the landlord to compensate the tenant for the loss of the benefit.

Remedy where
right of first
refusal denied

53. Where, on the application of a former tenant, the Commission determines that the tenant vacated the rental unit as a result of an application to terminate under section 51 or 52 and that the landlord did not in good faith require the rental unit for the purpose specified in the landlord's application to terminate, the Commission may make an order,

Remedy for
improper
termination

- (a) requiring the landlord to pay the tenant's reasonable moving expenses to his new accommodation, to a maximum of \$300; and
- (b) requiring the landlord to compensate the tenant for any additional reasonable expenses incurred by the tenant, including, for a period of up to twelve months, any increased rent that the tenant was obliged to pay as a result of the improper termination.

54. Where, on the application of a landlord, the Commission determines that,

Tenants of
public housing,
employers or
condominiums

- (a) a tenant of subsidized public housing has ceased to meet the qualifications required for occupancy of the rental unit;
- (b) a tenant was an employee of an employer who provided the tenant with a rental unit during his

employment and his employment has terminated;
or

- (c) the tenancy arose because of or in connection with an agreement of purchase and sale, entered into in good faith, of a proposed unit within the meaning of *The Condominium Act* and the agreement of purchase and sale has been terminated,

R.S.O. 1970,
c. 77

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

Order of
government
authority

55. Where, on the application of a landlord or a federal, provincial or municipal authority, the Commission determines that a rental unit must be vacated in order to comply with an order by a federal, provincial or municipal authority, the Commission may make an order terminating the tenancy and evicting the tenant on a date which is reasonable in all the circumstances.

Destruction
of rental
unit, etc.

56.—(1) Where a tenancy agreement has become impossible to perform because of the destruction of the rental unit or residential complex by fire, flood or other occurrence, or where the tenancy agreement has been otherwise frustrated, the tenancy shall be deemed to have been terminated on the date performance became impossible or the tenancy agreement was otherwise frustrated.

Application
of R.S.O. 1970,
c. 185

(2) *The Frustrated Contracts Act* applies to a tenancy that has been terminated under subsection 1.

Abandonment
or surrender

57.—(1) Where a tenant abandons or surrenders a rental unit, the tenancy agreement is terminated on the date the rental unit was abandoned or surrendered, but in the case of abandonment the tenant remains liable, subject to section 27 (landlord's duty to minimize losses), to compensate the landlord for loss of future rent that would have been payable under the tenancy agreement.

Compensation
for loss of
future rent

(2) Where, on the application of a landlord, the Commission determines that a tenant has abandoned a rental unit, the Commission may make an order requiring the tenant to pay to the landlord the compensation for which the tenant is liable by reason of subsection 1.

Termination
of caretaker's
tenancy

58.—(1) Despite any other provision of this Act, where a landlord has entered into a tenancy agreement in respect of a caretaker's unit, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which his employment is terminated and the tenant shall vacate the caretaker's unit not later than one week after his employment is terminated.

(2) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1. No rent or compensation

(3) Where, on the application of a landlord, the Commission determines that a tenant has failed to vacate the premises as required by subsection 1, the Commission may make an order evicting the tenant on the earliest reasonable date. Remedy against caretaker who overholds

PART V

NOTICE OF RENT INCREASES

59.—(1) A landlord shall not increase the rent for a rental unit unless he gives the tenant a notice in the prescribed form setting out his intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, intended to be made not less than ninety days before the end of, Notice of rent increase

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed period.

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection 1 is void. Increase void where no notice

(3) Subsections 1 and 2 do not apply to a rent increase in subsidized public housing. Subsidized public housing

(4) Subsections 1 and 2 do not apply to a rent increase for a rental unit where the rent increase is intended to take effect when a new tenant first occupies the rental unit under a new tenancy agreement. Notice unnecessary for new tenant

(5) Where a tenancy agreement for a rental unit that is not subject to rent review under Part XI provides that the tenant shall pay all, part of, or any increase in, Taxes and utility charges where unit not subject to rent review

(a) the taxes attributable to the rental unit; or

(b) the utility charges attributable to the rental unit,

and the taxes or utility charges are increased, the notice required by subsection 1 need not be given and the increase shall be deemed not an increase under this Act.

(6) Unless a tenancy agreement specifically provides otherwise, a promise by a tenant to pay taxes shall be deemed not to include an obligation to pay taxes assessed for local improvements. Taxes deemed not to include local improvement charges

Where tenant
fails to give
notice of
termination

60.—(1) Where a tenant who has been given a notice of an intended rent increase under section 59 fails to give the landlord proper notice of termination, he shall be deemed to have accepted,

(a) where the amount of the rent increase is not subject to rent review under Part XI,

(i) the amount of the rent increase specified in the notice of the landlord, or

(ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

(b) where the amount of the rent increase is subject to rent review under Part XI, the amount of rent increase that does not exceed the amount allowed under that Part.

Deemed acceptance
not to
constitute
waiver of
tenant's
rights

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 1 does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under this Act for the review of rent increases.

PART VI

TENANT'S PERSONAL PROPERTY

Tenant may
remove fixtures

61.—(1) A tenant may, during the time he occupies the rental unit, remove any property belonging to him which is attached to the rental unit, provided that he repairs, or compensates the landlord for, any damage done to the rental unit that results from the installation or removal of the property.

Disputes

(2) On the application of a landlord or a tenant, the Commission may determine whether a tenant is entitled to remove property under subsection 1 and may make an order,

(a) permitting or prohibiting the removal of property;

(b) requiring the tenant to repair, or compensate the landlord for, any damage done to the rental unit.

Abandoned
personal
property

62.—(1) Unless a landlord and tenant have made a specific agreement providing for the storage of personal property,

where a tenant leaves personal property in a rental unit or residential complex that he has vacated or abandoned, the landlord may remove the personal property and, on removal, shall store and dispose of the personal property in accordance with this section.

(2) Where a landlord has good reason to believe that an item of personal property removed under subsection 1, Worthless, etc. property

(a) would be unsanitary or unsafe to store; or

(b) is worthless,

the landlord may dispose of the item.

(3) Where a landlord removes personal property other than property described in subsection 2, he shall, at the earliest reasonable opportunity, give the Commission an inventory in the prescribed form of the property. Landlord to give inventory

(4) Where, after receiving the inventory, the Commission determines that an item of personal property in the inventory could not be sold for an amount greater than the reasonable cost of removing, storing and selling it, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Property of little value

(5) Property that has not been disposed of or sold under subsection 2 or 4 shall, subject to the direction of the Commission, be stored in a safe place and manner for a period of not less than sixty days. Remaining property to be stored

(6) Where the tenant or owner of an item of personal property stored by the landlord pays the landlord the cost of removing and storing the item, the landlord shall give the item to the tenant or owner and notify the Commission. Where property to be returned

(7) Where no person has taken possession of an item of personal property stored under subsection 5 during the sixty days referred to in that subsection, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Sale of unclaimed property

(8) Where a landlord sells an item of personal property under subsection 4 or 7, he may, subject to the terms and conditions set by the Commission under those sections, Proceeds of sale

(a) retain that part of the proceeds of the sale necessary to reimburse him for the reasonable costs of removing, storing and selling the property; and

- (b) retain that part of the proceeds of the sale necessary to satisfy any order for compensation made in his favour by the Commission or a court, where the order was made regarding the tenancy agreement or this Act,

and shall pay the balance to the Commission, who shall hold the balance for one year for the tenant who left the personal property in the rental unit or residential complex.

Report on
sale

- (9) Where a landlord sells an item of personal property under subsection 4 or 7, he shall give to the Commission a written report in the prescribed form regarding the sale and the distribution of the proceeds of the sale.

Unclaimed
proceeds
forfeited to
Crown

- (10) Where the Commission does not receive a claim in respect of the balance within the one-year period referred to in subsection 8, the amount not claimed shall be forfeited to the Crown.

Purchaser in
good faith
acquires good
title

- (11) A purchaser in good faith of an item of personal property sold in accordance with subsection 4 or 7 shall be deemed to have acquired good title to the property, free and clear of any other interest.

Substantial
compliance
protects
landlord

- (12) Where a landlord substantially complies with this section, he is not liable to the tenant or any other person for loss suffered by the tenant or other person as a result of the storage, sale or other disposition by the landlord of the abandoned personal property.

Remedies for
wrongful
sale, etc.

- (13) Where, on the application of a person claiming to be the owner of an item of personal property, the Commission determines that the landlord has wrongfully sold, disposed of or otherwise dealt with the item of personal property, the Commission may make an order,

- (a) requiring the landlord to compensate the owner for the wrongful sale, disposition or dealing; or
(b) requiring the landlord to give the property to the owner.

PART VII

MOBILE HOMES

Tenant's right
to sell, etc.

- 63.—**(1) A landlord shall not restrict in any way the right of a tenant to sell, lease, or otherwise part with the possession of a mobile home owned by the tenant.

(2) Where a person obtains possession of a mobile home owned by a tenant while it is situate in a mobile home park and also obtains an assignment or subletting under section 16 of the site that is the rental unit, that person shall be entitled to all the benefits of a tenant or sub-tenant in the mobile home park.

Where mobile home and site both transferred

(3) A landlord shall not receive any compensation for acting as the agent of the tenant in any negotiations to sell, lease or otherwise part with possession of a mobile home situate in a mobile home park, except under a written agency contract, entered into after the decision of the tenant to sell, lease or otherwise part with possession of the mobile home.

Landlord as agent for sale, etc.

(4) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order,

Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

64.—(1) A landlord shall not make any charge in respect of,

Certain charges prohibited

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except a sum to compensate the landlord for his reasonable expenses arising out of the installation or removal of a mobile home.

Remedy	(2) Where, on the application of a landlord or a tenant, the Commission determines that money is payable to the landlord or to the tenant by reason of subsection 1, the Commission may make an order requiring the money to be paid.
Restraint of trade prohibited	65. —(1) Except as provided in this section, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice.
Standards for equipment	(2) A landlord may set reasonable standards for mobile home equipment.
When tradesman may be prohibited from entry	(3) Where a tradesman has, <ul style="list-style-type: none"> (a) unduly disturbed the peace and quiet of the mobile home park; (b) failed to observe reasonable rules of conduct that have been established by the landlord; or (c) violated the traffic rules of the mobile home park, despite a request by the landlord to discontinue the conduct, the landlord may restrict or prohibit the entry of the tradesman into the mobile home park.
Remedies	(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, <ul style="list-style-type: none"> (a) requiring the landlord to comply with his obligation; (b) requiring the landlord to not breach his obligation again; (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.
Additional obligations of landlord	66. —(1) A landlord is responsible for, <ul style="list-style-type: none"> (a) providing or ensuring the availability of a means for the removal or disposal of garbage in the mobile home park at reasonable intervals; (b) maintaining mobile home park roads in good state of repair; (c) removing excess snow from mobile home park roads; (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in good state of repair;

- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment intended for the common use of the tenants in good state of repair; and
- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any associated expenses;
- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

PART VIII

RESIDENTIAL TENANCY COMMISSION

67. A commission to be known as the Residential Tenancy Commission is hereby established. Commission established

68. The Commission shall be composed of such number of Commissioners as the Lieutenant Governor in Council determines. Composition of Commission

69. The Commissioners shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each. Term of office

Removal
for
cause

70.—(1) A Commissioner may be removed from office during his term only for misbehaviour or for inability to perform his duties properly and only if,

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the Commissioner is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

Inquiry

1971, c. 49

(2) For the purpose of making an inquiry under subsection 1, the Lieutenant Governor in Council may appoint a judge of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Order
for
removal

(3) An order removing a Commissioner from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.

Commissioners
full time

71. Each Commissioner shall devote his full time and attention to the work of the Commission.

Remunera-
tion

72. Each Commissioner shall be paid such remuneration and be afforded such benefits as are fixed by the Lieutenant Governor in Council and shall in addition be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties.

Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

73. *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the Commissioners.

Board of
Directors

74.—(1) The general supervision and direction over the conduct of the affairs of the Commission shall be vested in a Board of Directors, to be composed of such Commissioners as the Lieutenant Governor in Council appoints.

Quorum

(2) Three members of the Board of Directors constitute a quorum.

75.—(1) One of the members of the Board of Directors shall be designated by the Lieutenant Governor in Council as Chief Tenancy Commissioner, who shall be chairman of the Board and chief executive officer of the Commission. Chief
Tenancy
Commissioner

(2) Where the Chief Tenancy Commissioner is unable to carry out his duties because of absence or illness, the Minister may appoint another member of the Board of Directors to act as Chief Tenancy Commissioner until the Chief Tenancy Commissioner returns to duty, but an appointment under this section shall not be made for a period of longer than six weeks. Absence or
illness of Chief
Tenancy
Commissioner

76.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, terms and conditions of employment, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, terms and conditions, salary ranges and benefits so approved. Staff

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the employees of the Commission as though the Commission were a commission designated by the Lieutenant Governor in Council under section 27 of the first mentioned Act. Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

77. The Commission may engage persons other than those appointed under section 76 to provide professional, technical or other assistance to the Commission and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional,
technical and
other
assistance

78. The Commission shall, Duties of
Commission

- (a) perform the duties assigned to it by or under this Act and shall administer this Act and the regulations;
- (b) periodically review this Act and the regulations and recommend from time to time amendments or revisions thereof;
- (c) advise and assist the public on all residential tenancy matters including referral where appropriate to social services and public housing agencies;

- (d) take an active role in ensuring that landlords and tenants are aware of the benefits and obligations established by this Act.

Policy guidelines, etc., available to public

79. All policy guidelines and procedural manuals issued by the Commission which may be used in making determinations under this Act shall be made available for examination by the public.

Immunity of Commission for acts done in good faith

80. No action or other proceeding for compensation or damages shall be instituted against the Commission, any Commissioner, or any member of the Commission staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Exclusive jurisdiction of Commission

81.—(1) Subject to subsections 3 to 8, the Commission has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Commission.

Commission may determine application of Act, etc.

(2) The Commission may determine,

- (a) whether this Act applies to a particular living accommodation; and
- (b) the rental units, common areas, services and facilities included in a particular residential complex.

No order where amount claimed by party over \$1,000

(3) The Commission shall not make an order for the payment of money where the amount claimed by any party to the application is in excess of \$1,000, but nothing in this subsection prevents the Commission from arbitrating a dispute and enforcing a decision under section 82 or directing the payment of any rent to the Commission in respect of an amount in excess of \$1,000.

Court jurisdiction

(4) Where, under this Act, a person claims a sum of money in excess of \$1,000, he may institute proceedings therefor in any court of competent jurisdiction.

County or district court

(5) Where, under subsection 4, proceedings are instituted in a county or district court, the court may, where the sum of money claimed is within the monetary jurisdiction of the court in a contract action, hear and determine the matter.

(6) Despite the institution of proceedings in court for the recovery of money, unless the court stays proceedings before the Commission on the grounds that it would not be practicable or would be unfair to any party to continue the proceedings before the Commission, which stay the court is hereby empowered to make, the Commission may hear and determine, and may make an order respecting, all aspects of the matters in dispute that do not depend on the determination of the claim for money.

Commission
proceedings
not ordinarily
stayed

(7) The court shall not order a stay of proceedings before the Commission under subsection 6 without first affording the Commission an opportunity to be heard and to make representations to the court on the matter.

Commission
entitled to
be heard
before stay
ordered

(8) Where the court orders that proceedings before the Commission be stayed, the court may hear and determine all matters in dispute and may exercise all of the authority of the Commission in that regard and may make any order or decision that the Commission might have made.

Court
jurisdiction
where
Commission
proceedings
stayed

82.—(1) Where a dispute concerning a residential tenancy is not within the jurisdiction of the Commission, the Commission may, with written consent of all parties to the dispute, arbitrate the dispute and in that case the decision of the Commission is final and binding on all parties to the dispute.

Arbitration by
Commission

(2) The decision of the Commission under subsection 1 shall be deemed to be an order of the Commission for the purposes of enforcement.

Enforcement
of decision

(3) Where the Commission acts as arbitrator under subsection 1, *The Arbitrations Act* does not apply.

Non-applica-
tion of
R.S.O. 1970,
c. 25

83. The Minister may, by order, establish regions in Ontario for the purposes of this Act.

Minister may
establish
regions

84. An application to the Commission may only be made, and all proceedings before the Commission shall be held, in the region in which the residential complex in question is situate, unless the parties otherwise agree in writing or the Commission otherwise directs.

Proceedings
in region

85. All expenses incurred and expenditures made by the Commission in the conduct of its affairs shall, until the 31st day of March, 1979, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Payment of
Commission's
expenses

Commission
may charge
fee for
copies of
documents,
etc.

86. The Commission may charge a fee in the prescribed amount for furnishing to any person, at his request, copies of forms, notices or documents, including policy guidelines and procedural manuals issued by the Commission.

Audit of
Commission's
accounts

87. The accounts of the Commission shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose, and the salary and remuneration of the auditor so appointed shall be paid by the Commission as part of its administrative expenses.

Annual
report

88.—(1) The Commission shall at the close of each year file with the Minister an annual report upon the affairs of the Commission.

Tabling of
report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Further
reports

(3) The Commission shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

PART IX

PROCEDURE

GENERAL

Commission
to adopt
expeditious
procedures

89. The Commission shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter.

Decision to
be on merits
and justice

90.—(1) Every decision of the Commission shall be upon the real merits and justice of the case.

Commission
to ascertain
substance of
transactions

(2) In determining the real merits and justice of the case, the Commission shall ascertain the real substance of all transactions relating to the residential complex and the good faith of the participants and in doing so may disregard the outward form of the transactions or the separate corporate existence of the participants.

91.—(1) The offices of the Commission shall operate at times convenient to the public, including, where appropriate, evenings and week-ends. Commission to operate at convenient times

(2) It is lawful for the Commission, Commissioners, employees of the Commission, any party to a proceeding before the Commission and their witnesses, counsel or agents to participate in a proceeding before the Commission on Sunday where to do so, but for this section, would be unlawful under section 4 of the *Lord's Day Act* (Canada). Proceedings may be held on Sunday

R.S.C. 1970,
c. L-13

MAKING OF APPLICATIONS AND GIVING OF NOTICES

92.—(1) A person may make an application to the Commission as a landlord or as a tenant, provided he was a landlord or a tenant at the time the conduct giving rise to the application occurred. Who may make application

(2) Where more than one person has a common interest in respect of an application to the Commission, the Commission may authorize one or more of those persons to represent all those persons and any order made by the Commission may be made applicable to all. Representative actions

93.—(1) An application to the Commission shall be made in the prescribed form and shall be signed by the person making the application or his agent. Form of application

(2) Where an application is brought against an occupant and the name of the occupant is not known to the person bringing the application, the name of the occupant may be shown in the application as "occupant" and any proceedings may be taken against, and all orders shall be binding on, the person occupying the rental unit as if the occupant had been correctly named. Where name of occupant not known

(3) Where an application is brought against a landlord and the name of the landlord is not known to the person bringing the application, the name of the landlord may be shown in the application as "landlord" and any proceedings may be taken against, and all orders shall be binding on, the landlord as if he had been correctly named. Where name of landlord not known

94. The Commission may, whether or not the time for making an application to, or filing a notice of appeal with, the Commission has expired and where it is of the opinion Extension of time for application or appeal

that it would not be unfair to do so, extend the time for the making of the application to, or the filing of the notice of appeal with, the Commission.

Landlord
must give
copy of
application to
tenant, etc.

95.—(1) Where a landlord makes an application to the Commission, the landlord shall, at the earliest reasonable opportunity, give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Tenant must
give copy of
application to
landlord, etc.

(2) Where a tenant makes an application to the Commission, the tenant shall, at the earliest reasonable opportunity, give a copy of the application to the landlord, and, where the application is made under section 20 (overholding sub-tenant) or 38 (interference with safety or reasonable enjoyment), to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Other applicant
must give
copy of
application to
landlord, etc.

(3) Where a person other than a landlord or a tenant makes an application to the Commission, the person making the application shall, at the earliest reasonable opportunity, give a copy of the application to the landlord and any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised on the application.

Commission
may give
written
directions

(4) The Commission shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Commission shall be deemed to be compliance with this section.

Method of
giving
notice, etc.

96.—(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by,

- (a) handing it to the person or, where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit;
- (b) leaving it at the place where mail is ordinarily delivered to the person; or
- (c) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing, excluding Saturdays and holidays. Where notice given by mail

(3) Despite the other provisions of this section, the Commission may, in writing, direct a notice or document to be given in any other manner. Commission may give written directions

(4) Despite the other provisions of this section, a notice or document shall be deemed to have been validly given where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended. Actual notice is sufficient

97. The parties to an application are the person making the application, any person entitled to receive a copy of the application and any person added as a party by the Commission. Parties to application

98. Where, in any proceedings under this Act, the Commission is of the opinion that, Adding parties; amending applications

(a) a person who should have been included as a party has not been included as a party or that a party has been incorrectly named, the Commission shall, unless it would be unfair to do so, require that the person be substituted or added as a party to the proceedings, or be correctly named; or

(b) an amendment to the application is justified and fair, the Commission may direct the application be amended accordingly.

PROCEDURE OF COMMISSION

99.—(1) Where an application has been made to the Commission, other than an application under section 122 (whole building rent review), the Commission shall inquire into the matter and shall attempt, by whatever means it considers necessary, to assist the parties to the proceeding in settling the matter by agreement. Commission to mediate

(2) The Commission may refuse to accept any application or to continue any proceeding, where in its opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith. Frivolous or vexatious applications, etc.

Withdrawing
application

(3) An applicant may withdraw an application at any time before an order is made, but where the application is made under section 122, the application may only be withdrawn with the consent of the Commission.

Decision
to hold
hearing

100.—(1) Where an application is made under section 122 or where the Commission is of the opinion that,

(a) it is unlikely that the parties to a proceeding will be able to settle the matter by agreement; or

(b) the urgency of having the matter resolved requires that a determination be made,

the Commission shall notify the parties and hold a hearing.

Hearing to
be before
one
Commissioner

(2) A hearing under subsection 1 shall be held before a Commissioner and the Commissioner may exercise any of the powers of the Commission and an order of the Commissioner shall be deemed to be the order of the Commission.

Commissioner
not disqualified
from
mediating,
etc.

(3) A Commissioner is not disqualified or otherwise prohibited from holding a hearing and determining a matter by reason only of the fact that,

(a) he attempted to assist the parties to the proceeding in settling the matter by agreement; or

(b) he took part in an inquiry or inspection related to the dispute.

Issues
may be
heard
together

101.—(1) Where several different applications have been made to the Commission, and the Commission is of the opinion that it would be appropriate to determine the issues raised by the applications together, the Commission may hear and determine the issues in dispute at a common hearing.

Issues
may
be heard
separately

(2) Where the Commission is of the opinion that it would be appropriate to deal with some of the issues raised by an application at separate hearings, the Commission may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues.

Application of
1971, c. 47

102.—(1) *The Statutory Powers Procedure Act, 1971* applies to proceedings by the Commission.

(2) The giving to a party of a copy of an application to the Commission shall be deemed to be compliance with section 8 of *The Statutory Powers Procedure Act, 1971*. Deemed compliance

103. All parties to a proceeding under this Act are entitled to examine, and the Commission shall make available for examination, all material filed with the Commission relevant to the proceeding. Parties may examine material

104. At the hearing, the Commission shall fairly and impartially question the parties who are in attendance at the hearing and any witnesses, with a view to determining the truth concerning the matters in dispute. Commission to question parties, etc.

105. The Commission may, before or during a hearing, Commission may investigate, etc.

(a) conduct any inquiry or inspection it considers necessary; and

(b) question any person, by telephone or otherwise, concerning the dispute.

106. In making its determination, the Commission may consider any relevant information obtained by the Commission in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it. Commission may consider all relevant information

107.—(1) After holding a hearing, and having regard to all the circumstances, where the Commission is satisfied that one or more orders that have been applied for is justified, it shall make that order or those orders. Making of order applied for

(2) After holding a hearing and having regard to all the circumstances, where the Commission is satisfied that another order that could have been applied for is justified, it may make that other order. Making of other orders

(3) The Commission may include in any order terms and conditions it considers proper in all the circumstances. Terms and conditions

MATTERS RELATED TO COMMISSION ORDERS

108.—(1) Where an application has been made by a landlord for an eviction order under section 36 (obligation Where unfairness will prevent eviction

to pay rent), 37 (responsibility for repair of damage), 38 (interference with safety or reasonable enjoyment) or 49 (enforcement of agreement or notice to terminate), the Commission shall refuse to make the eviction order where the Commission is satisfied, having regard to all the circumstances, that it would be unfair to evict the tenant.

Circumstances
considered
unfair

(2) Unless it is proven to be fair, it shall be considered unfair to evict the tenant where the Commission finds that,

- (a) the landlord is in breach of his obligations under the tenancy agreement or this Act;
- (b) a reason for the application is that the tenant has complained to the Commission or any other governmental authority of the landlord's violation of any statute or municipal by-law dealing with health, safety or housing standards;
- (c) a reason for the application being brought is that the tenant has attempted to secure or enforce his legal rights;
- (d) a reason for the application being brought is that the tenant is a member of an association, the primary purpose of which is to secure or enforce legal rights of tenants, or that the tenant is attempting to organize such an association; or
- (e) a reason for the application being brought is that the rental unit is occupied by children, provided that the occupation by the children does not constitute overcrowding and the residential complex is suitable for children.

Compensation
for
overholding

109.—(1) A landlord is entitled to compensation for the use and occupation of a rental unit by a tenant after his tenancy has been terminated.

Eviction
order to include
order for
compensation
for overholding

(2) Where the Commission makes an eviction order, it shall make an order requiring the tenant to compensate the landlord for the use and occupation of the rental unit calculated for each day the tenant remains in occupation following the termination of the tenancy.

Settlement
of order
for
compensation
for
overholding

(3) Where a landlord obtains an order under subsection 2 or section 49 requiring a tenant to compensate him for the use

and occupation of the rental unit, the landlord may, within thirty days of the date the tenant ceased to occupy the rental unit, file with the Commission a copy of the order and a statement in the prescribed form setting out the number of days that the tenant remained in occupation following the termination of the tenancy, and the Commission shall calculate the final amount due under the order and shall add a statement to the order setting out the final amount, which statement shall comprise a part of the order.

(4) The acceptance by the landlord of arrears of rent or compensation for use or occupation of the rental unit after a tenancy has been terminated does not operate as a waiver of the termination or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Payment
by overholding
tenant does
not
reinstate
tenancy

(5) Where a tenant does not give up occupancy of the rental unit after his tenancy has been terminated and a person brings proceedings against the landlord to enforce a right to occupy the rental unit being occupied by the tenant, the tenant is liable to the landlord for any compensation that the landlord is required to pay as a result of the tenant's failure to give up occupancy, and the landlord may add the tenant as a third party in the proceedings.

Liability of
overholding
tenant

110.—(1) Where under section 29 (vital services) or 43 (failure of landlord to comply with Commission order) the Commission directs a tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord, the Commission may pay from the rent it receives such amount as the Commission considers necessary for the following purposes:

Use of
money where
rent paid to
Commission

1. To pay the tenant for any action authorized under clause *c* of subsection 4 of section 28 or clause *d* of subsection 2 of section 66.
2. To restore, or prevent the discontinuance of, the supply of a vital service.

(2) Where the rent received by the Commission exceeds the sum of,

Excess
paid to
landlord

- (a) any amount paid under subsection 1; and
- (b) the amount that in the opinion of the Commission is necessary to ensure compliance by the landlord with an order of the Commission or a court,

the Commission shall pay the excess to the landlord.

Periodic
review of
need to
hold rent

(3) Where the Commission is holding rent to ensure compliance by the landlord with an order of the Commission or a court, the Commission shall, on the request of the landlord, or in any event not less often than once a month, review the necessity of continuing to hold the rent.

Where tenant
may deduct
compensation
from rent

111.—(1) Where the Commission makes an order requiring a landlord to compensate a tenant, the Commission may make an order that the tenant recover the compensation by deducting a specified sum from his rent for a specified number of rent payment periods.

Where
compensation
to landlord may
be paid in
instalments

(2) Where the Commission makes an order requiring a tenant to compensate a landlord, the Commission may make an order permitting the tenant to pay the compensation by paying a specified sum together with his rent for a specified number of rent payment periods.

Lump sum
payments

(3) The Commission may, at any time, rescind an order made under subsection 1 or 2, and may order that any compensation still owing be paid in a lump sum.

Enforcement
of order for the
payment of
money

112.—(1) A certified copy of an order of the Commission for the payment of money may be filed with the Supreme Court or with a county or district court and, on being filed, the order has the same force and effect and all proceedings may be taken on it, as if it were a judgment of that court.

Variation
of order

(2) Where an order filed under subsection 1 is rescinded or varied, upon filing in accordance with subsection 1, the order or decision rescinding or varying the order previously made,

(a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection 1; or

(b) if the order or decision varies the order previously made, the order previously made as so varied may be enforced in a like manner as an order or decision filed under subsection 1.

When writ of
possession
may issue

113.—(1) An order evicting a tenant, sub-tenant or occupant may be filed with the county or district court and, on being filed, has the same force and effect and all proceedings

may be taken on it, as if it were an order of that court, and the clerk of the court shall issue a writ of possession.

(2) An employee of the Commission may be appointed as a sheriff's officer and may obtain the assistance of one or more police officers for the purpose of enforcing writs of possession.

Enforcement
of writ of
possession

APPEALS

114.—(1) Any party to an application who took part in the hearing may, within fifteen days of receiving the decision or order of a Commissioner, appeal the decision or order by filing a notice of appeal in the prescribed form with the Commission and giving a copy of the notice at the earliest reasonable opportunity,

Appeal from
order of
Commissioner

(a) where a tenant is appealing a decision or order resulting from an application under section 122 (whole building rent review), to the landlord;

(b) where a landlord is appealing a decision or order resulting from an application under section 122, to the tenant of each rental unit in respect of which the appeal is brought; and

(c) in all other cases, to all other parties to the application who took part in the hearing.

(2) Despite the fact that a person did not appear at the hearing, he may apply to a member of the Board of Directors for permission to appeal and the member of the Board of Directors may, in his discretion permit the person to appeal upon such terms and conditions as the Director considers just.

Permission
to appeal

(3) The parties to the appeal are the person appealing, any person entitled to receive a copy of the notice of appeal and any person added as a party by the Commission.

Parties to
appeal

(4) Where a notice of appeal is filed under subsection 1, the Commissioner who made the order or decision being appealed shall, where he has not already done so, prepare reasons for the decision or order and give a copy of the reasons to each party to the appeal.

Reasons to
be given by
Commissioner

(5) The findings of fact set out in the reasons for the decision or order being appealed may be taken to be true unless, within

Findings
of fact
considered
true unless
objection
made

seven days of the filing of the notice of appeal, or within seven days of receiving the reasons, whichever is later, a party to the appeal files a statement in the prescribed form with the Commission and gives a copy of the statement to all other parties to the proceeding setting out,

- (a) the findings of fact set out in the reasons with which he disagrees; and
- (b) any facts he intends to prove at the hearing of the appeal that were not set out in the reasons.

Limitation of
evidence on
appeal

(6) At the hearing of the appeal, the introduction of evidence shall, unless the appeal panel otherwise directs, be limited to proving facts,

- (a) with which a party to the appeal has disagreed in a statement filed under subsection 5; or
- (b) which a party to the appeal has stated, in a statement filed under subsection 5, he intends to prove.

Appeal panel
composed of
three Directors

(7) The appeal shall be heard before an appeal panel composed of three members of the Board of Directors, none of whom took part in the making of the decision or order being appealed.

Powers of
appeal panel

- (8) After the hearing of the appeal, the appeal panel may,
 - (a) affirm the decision or order of the Commissioner; or
 - (b) make any decision or order that a Commissioner is authorized to make under this Act, and for such purposes the appeal panel may substitute its opinion for that of the Commissioner.

Appeal panel
may rehear
appeal

(9) The appeal panel may, within thirty days of making a decision or order, decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the appeal panel may confirm, rescind, amend or replace any decision or order previously made.

Order of appeal
panel deemed
order of
Commission

(10) A decision or order of the appeal panel shall be deemed to be the decision or order of the Commission.

Appeal to
Divisional
Court

115.—(1) Any party to an appeal under section 114 may, on a question of law, appeal a decision or order of the Commission to the Supreme Court.

(2) An appeal under subsection 1 shall be by way of Appeal to be
 stated case and the Commission shall, after service of the by stated
 notice of appeal in accordance with the rules of the Supreme case
 Court, upon the request of the person appealing, state a case
 in writing to the Supreme Court setting out the material facts
 found by the Commission and the grounds on which the
 decision or order is questioned.

(3) The Commission is entitled to be heard, by counsel or Commission
 otherwise, upon the argument of an appeal under this section. entitled to be
 heard on
 appeal

(4) Where a case is stated under subsection 2, the Supreme Powers of
 Court shall hear and determine the appeal and may, Divisional
 Court

(a) affirm, rescind, amend or replace the decision or
 order;

(b) cause the case to be sent back to the Commission for
 amendment and deliver judgment after it has been
 amended; or

(c) remit the matter to the Commission with the opinion
 of the Supreme Court,

and may make,

(d) any other order in relation to the matter that it
 considers proper; and

(e) any order, with respect to costs, that it considers
 proper.

116. Unless otherwise ordered by,

Certain orders
 not stayed
 pending
 appeal

(a) where an appeal is taken under section 114, a mem-
 ber of the Board of Directors; or

(b) where an appeal is taken under section 115, a
 judge of the Supreme Court,

an appeal from an order made under any of the following
 provisions does not stay the order pending the hearing of
 the appeal:

1. Subsection 1 of section 17.

2. Subsection 2 of section 20.

3. Clause *a* of subsection 3 of section 25.
4. Clause *c* or *e* of subsection 4 of section 28.
5. Clause *a*, *d* or *e* of subsection 2 of section 29.
6. Subsection 4 of section 29.
7. Clause *a* or *d* of subsection 2 of section 30.
8. Clause *a* of subsection 3 of section 31.
9. Clause *a* or *c* of subsection 2 of section 36.
10. Clause *e* of subsection 2 of section 37.
11. Clause *b* of subsection 4 of section 38.
12. Clause *a* or *d* of subsection 5 of section 38.
13. Section 39.
14. Subsection 2 of section 41.
15. Subsection 2 of section 42.
16. Section 43 or 44.
17. Clause *a* of section 49.
18. Section 50.
19. Subsection 1 of section 51.
20. Subsection 1 of section 52.
21. Section 54.
22. Section 55.
23. Subsection 3 of section 58.
24. Clause *a* of subsection 2 of section 61.
25. Clause *b* of subsection 13 of section 62.
26. Clause *a* of subsection 4 of section 63.
27. Clause *c* or *e* of subsection 2 of section 66.

PART X

MISCELLANEOUS

117. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the percentage amount in respect of rent increases for the purposes of section 121;
- (b) prescribing, for the purposes of section 127, matters in respect of which the Commission may make findings;
- (c) exempting from Part XI rental units the monthly rental for which is \$500 or more;
- (d) prescribing the form of an agreement to a rent increase for the purposes of subsection 2 of section 130;
- (e) prescribing fees for the purposes of section 86;
- (f) designating a class or classes of accommodation to which this Act does not apply;
- (g) prescribing a standard form of tenancy agreement and the benefits and obligations that may be included therein;
- (h) prescribing the rate of interest to be paid on rent deposits;
- (i) prescribing the form of assignments and subletting agreements and consents thereto and prescribing the maximum fee a landlord may charge for granting a consent;
- (j) prescribing the form of notice of rent increase for the purposes of section 59;
- (k) prescribing the form of an inventory and of a written report for the purposes of section 62;
- (l) prescribing the form of an application to the Commission;
- (m) prescribing the form of a notice of appeal for the purposes of subsection 1 of section 114;
- (n) prescribing the form of a statement for the purposes of subsection 5 of section 114;

(o) prescribing the form of a statement for the purposes of subsection 3 of section 109;

(p) prescribing anything that by this Act may be prescribed.

Substantial compliance with forms, etc., sufficient

118. Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Commission is of the opinion that it would result in unfairness to any person.

Offences

119.—(1) Any person who,

(a) knowingly fails to obey an order of the Commission; or

(b) knowingly furnishes false information in any application, report or statement to the Commission under this Act or in any proceedings before the Commission,

and every director or officer of a corporation who knowingly concurs in the failure to obey or the furnishing of false information is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

Where corporation convicted

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000, and not as provided therein.

PART XI

RENT REVIEW

Only one rent increase per year

120. The rent charged for a rental unit shall not be increased more often than once in any twelve-month period.

Maximum permitted rent increase without application

121. Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit by more than 6 per cent, or such other percentage as, after the 31st day of December, 1979, may be prescribed, of the last rent that was charged for an equivalent rental period.

Application by landlord

122.—(1) Where a landlord desires to increase the rent charged for a rental unit by more than the percentage referred to in section 121, he may apply to the Commission for an order permitting him to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

(2) When the landlord applies to the Commission for an order under subsection 1, he shall, as part of the same application, apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application.

Whole
building
review

(3) An application under this section shall state the reasons for the intended increases and shall be made not less than sixty days before the effective date of the first intended rent increase that exceeds the percentage referred to in section 121.

Time for
application

(4) Where an application is made under this section, the landlord shall, not later than fourteen days before the date of the hearing of the application, unless the Commission otherwise directs, file with the Commission all the material on which he intends to rely in support of his application.

Filing of
material

123.—(1) A tenant who desires to dispute any intended rent increase for his rental unit, other than a rent increase that results in a rent not exceeding the maximum approved by the Commission for his unit, may apply to the Commission for an order requiring the landlord to reduce the amount of the rent increase.

Application
by tenant

(2) An application under this section shall be made not less than sixty days before the effective date of the intended rent increase.

Time for
application

124. Where a rental unit that has not been rented during the previous twelve-month period then becomes rented, the rent charged shall form the basis for determining whether the percentage referred to in section 121 has been exceeded.

Where
vacant
unit
becomes
rented

125.—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Part.

Tenant not
liable to pay
illegal rent
increase

(2) Where, on the application of a tenant, the Commission determines that the tenant has paid an amount of rent that is in excess of that permitted by this Part, the Commission shall order that the landlord pay the excess to the tenant.

Remedy

126. Where under section 122 a landlord applies to the Commission for a determination of the rents that may be charged for all rental units in a residential complex, the

Commission
may hear
application
under s. 122
although
notice of
rent increase
not yet given

Commission is empowered to hear the application and to determine the rent that may be charged for each rental unit despite the fact the landlord may not have, in respect of any rental unit, given notice under section 59 (notice of rent increase), but nothing in this section relieves the landlord from compliance with section 59.

Commission
determination
of total
rent increase

127.—(1) Where an application is made by a landlord under section 122, the Commission shall determine the total rent increase for the residential complex that is justified by,

- (a) the findings of the Commission concerning operating costs, financing costs and capital expenditures that the landlord has experienced or will experience in respect of the residential complex;
- (b) the findings of the Commission concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;
- (c) the findings of the Commission concerning an improvement or deterioration in the standard of maintenance and repair of the residential complex or any rental unit located therein;
- (d) the findings of the Commission concerning matters prescribed by the regulations.

Limitation on
consideration
of financing
costs

(2) In reaching its findings concerning changes in financing costs under clause *a* of subsection 1, the Commission shall consider financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Relief of
hardship

(3) When the total rent increase for the residential complex has been determined under subsection 1, if the resulting gross revenue does not exceed the costs found under clause *a* of subsection 1 by at least 2 per cent, the Commission may, where it considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the gross revenue to not more than 2 per cent above the costs found.

Apportionment
of total rent
increase

(4) In apportioning the total rent increase determined under subsections 1 and 3 amongst the rental units in the residential complex, the Commission may take into account the following matters:

1. The rent schedule proposed by the landlord in his application.

2. Variations in the rents being charged by the landlord for similar rental units within the residential complex.
3. Rents and variations in the rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.

(5) Where the Commission has determined and apportioned the total rent increase under this section, Order setting maximum rent chargeable for each unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for each rental unit that is under review and the date the rents may take effect; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission in setting the maximum rent for a rental unit.

128.—(1) Where an application is made by a tenant under section 123, in determining a rent increase for the rental unit, the Commission shall, except where there has been an application under section 122 (whole building rent review), consider only the following matters: Considerations where tenant applies

1. Variations in the rents being charged by the landlord for similar rental units within the residential complex.
2. Rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.
3. An improvement or deterioration shown to have occurred in the standard of maintenance and repair that affects the rental unit.

(2) Where the Commission has made a determination on the application, Order setting maximum rent chargeable for the unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for the rental unit under review; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Com-

mission setting the maximum rent for the rental unit.

Rent
chargeable
until order
takes effect

129. Where a notice of an intended rent increase has been given under section 59, a rent increase up to the lesser of,

- (a) the intended rent increase specified in the notice; and
- (b) the limit imposed by section 121,

may be charged and collected by the landlord until such time as the Commission's order setting the maximum rent that may be charged for the rental unit takes effect.

Exemptions

130.—(1) The following rental units are exempt from this Part:

- (a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof;
- (b) a rental unit situate in a building, no part of which was occupied as a rental unit before the 1st day of January, 1976;
- (c) a rental unit that is a mobile home or mobile home site that was not in existence as a rental unit before the 1st day of January, 1976;
- (d) a rental unit the monthly rental for which is \$500 or more, if the Lieutenant Governor in Council has, by regulation made after the 31st day of December, 1979, exempted such premises from the provisions of this Part.

Non-
application
of Part:

(2) This Part does not apply to a rent increase,

where
tenant
renting
subsidized
public
housing

- (a) to a tenant in subsidized public housing who is occupying a rental unit other than a unit referred to in clause *a* of subsection 1, but this Part does apply to the unit itself; or

where
landlord
and tenant
agree and
Commission
approves

- (b) where, in respect of a rental unit situate in a residential complex containing no more than six rental units, the landlord and tenant agree in the prescribed form to the rent increase and the Commission approves the rent agreement, but upon the

expiry of the rent agreement, if the tenant does not enter into another rent agreement under this subsection any further rent increase is once again subject to this Part and the rent chargeable shall be,

- (i) the maximum rent that could have been charged by the landlord without applying to the Commission under section 122 if no rent agreements had been made under this subsection, or
- (ii) the current maximum rent previously established by the Commission on an application made under section 122.

(3) A landlord shall not, as a condition to entering into a tenancy agreement, require a prospective tenant to enter into a rent agreement mentioned in clause *b* of subsection 2, and the Commission shall not approve a rent agreement where it determines that the landlord has breached this subsection.

When rent agreement not to be approved

(4) Where a landlord, by reason of the existence of depressed economic conditions in a local municipality, designated by order of the Minister, reduces a tenant's rent, and thereafter, not sooner than twelve months after the reduction took effect, desires to increase the rent, the landlord may increase the rent to,

Application of Part in economically depressed municipality

- (a) the maximum rent that could have been charged by the landlord for the rental unit at the date of the intended increase without applying to the Commission under section 122 had the rent not been decreased; or
- (b) the current maximum rent previously established by the Commission on an application made under section 122.

PART XII

REPEALING AND TRANSITIONAL

131.—(1) The title to *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

R.S.O. 1970, s. 236, title re-enacted

The Commercial Tenancies Act

(2) Clause *c* of section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 1, is repealed.

R.S.O. 1970, c. 236, s. 1 (c), repealed

R.S.O. 1970,
c. 236, s. 2,
re-enacted

(3) Section 2 of the said Act is repealed and the following substituted therefor.

Application
1978, c. . . .

2. This Act does not apply to tenancies and tenancy agreements to which *The Residential Tenancies Act, 1978*, applies.

Pt. IV
(ss. 81-116),
repealed

(4) Part IV of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, and 1975 (2nd Session) chapter 13, sections 2 to 4, subsection 1 of section 5 and sections 6 to 10, is repealed.

R.S.O. 1970,
c. 223,
s. 2,
amended

132.—(1) Section 2 of *The Innkeepers Act*, being chapter 223 of the Revised Statutes of Ontario, 1970, is amended by striking out “boarding-house keeper or lodging-house keeper”, “boarder or lodger” and “boarding house or lodging house” where those expressions occur.

s. 3,
amended

(2) Section 3 of the said Act is amended by striking out “boarding-house keeper, lodging-house keeper” and “boarding house, lodging house” where those expressions occur.

s. 7,
amended

(3) Section 7 of the said Act is amended by striking out “lodging-house keeper or boarding-house keeper” where that expression occurs.

1975,
(2nd Sess.),
c. 12,
s. 20 (2) (b) (i),
re-enacted

133. Subclause i of clause b of subsection 2 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11 and amended by 1978, chapter 53, section 1, is repealed and the following substituted therefor:

(i) hearing and making orders in respect of applications filed on or before the 28th day of February, 1979, and appeals from such orders, relating to a rental period commencing on or before that date.

Application
of Part XI

134.—(1) Part XI applies only to applications made in respect of rent increases intended to take effect on and after the 1st day of March, 1979.

Repeal of
Part XI

(2) Part XI is repealed on the 31st day of December, 1980.

Saving

(3) Despite subsection 2,

(a) where there has been an increase in rent for a rental unit to take effect after the 31st day of December, 1979, and before the 31st day of December, 1980, the landlord shall not charge and no order shall authorize any further increase in rent for the rental unit to take effect within twelve months after the said increase took effect and Part XI continues in

force for the purpose of implementation and enforcement of this clause; and

(b) Part XI continues in force for the purpose of,

(i) hearing and making orders in respect of applications made on or before the 31st day of December, 1980, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under Part XI.

135.—(1) Where, before the day the repeal of Part IV of *The Landlord and Tenant Act* takes effect,

Transitional
on repeal of
R.S.O. 1970,
c. 236,
Part IV

(a) circumstances arise that give grounds for making an application under Part IV of *The Landlord and Tenant Act*; or

(b) an application is made under Part IV of *The Landlord and Tenant Act*,

then despite the repeal of Part IV by section 131 of this Act, Part IV of that Act continues in force for the purposes of and applies to,

(c) making an application in the case mentioned in clause *a* and hearing and making orders in respect of that application or in respect of an application mentioned in clause *b*, and appeals from such orders; and

(d) enforcing orders made under Part IV of that Act,

and Parts I to X of this Act do not apply to applications made or entitled to be made under Part IV of *The Landlord and Tenant Act* by reason of this section.

(2) This Act applies to tenancies under tenancy agreements entered into or renewed before and subsisting on the day this Act comes into force or entered into on or after that day.

Application
to existing
tenancies

136. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

137. The short title of this Act is *The Residential Tenancies Act, 1978*.

Short title

An Act to reform the Law
respecting Residential Tenancies

1st Reading

October 30th, 1978

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

200
XB
-B56

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17

BILL 164

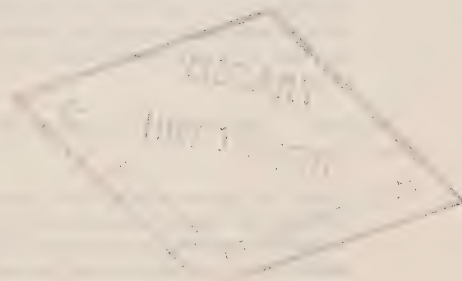
**Government
Publications
Private Member's Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislation Assembly

**An Act to amend
The Employment Standards Act, 1974**

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The purpose of the Bill is to reduce the standard work week from forty-eight hours to forty hours and to require employers to pay overtime rates for work done in excess of forty hours per week rather than forty-four hours.

The sections of the Act as amended by this Bill are set out below with the amended portions shown underlined.

SECTION 1. Subsection 2 of section 11, as amended, would read as follows:

- (2) *Subclause iii of clause a of subsection 1 does not apply in respect of the salaried employees of an employer who perform work of a clerical or administrative nature where the employer makes and keeps a record showing the number of hours worked by such employees in excess of eight hours a day and forty hours a week.*

SECTION 2. Section 17, as amended, would read as follows:

17. *Except as otherwise provided in this Part, and subject to any schedule in force under The Industrial Standards Act, the hours of work of an employee shall not exceed eight in the day and forty in the week.*

SECTION 3. Section 18, as amended, would read as follows:

18. *An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty hours in a week.*

SECTION 4. Subsection 3 of section 20, as amended, would read as follows:

- (3) *The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by section 17 or approved under section 18 without the consent or agreement of the employee or his agent to hours in excess of eight in the day or forty in the week.*

SECTION 5. Subsection 1 of section 25, as amended, would read as follows:

- (1) *Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty hours in any week, he shall be paid for each hour worked in excess of forty hours overtime pay at an amount not less than one and one-half times the regular rate of the employee.*

BILL 164

1978

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 11 of *The Employment Standards Act, 1974*, being chapter 112, is amended by striking out "forty-four" in the sixth line and inserting in lieu thereof "forty". s. 11 (2),
amended
2. Section 17 of the said Act is amended by striking out "forty-eight" in the fourth line and inserting in lieu thereof "forty". s. 17,
amended
3. Section 18 of the said Act is amended by striking out "forty-eight" in the fifth line and inserting in lieu thereof "forty". s. 18,
amended
4. Subsection 3 of section 20 of the said Act is amended by striking out "forty-eight" in the fifth line and inserting in lieu thereof "forty". s. 20 (3),
amended
5. Subsection 1 of section 25 of the said Act is amended by striking out "forty-four" in the third line and in the fourth line and inserting in lieu thereof in each instance "forty". s. 25 (1),
amended
6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. The short title of this Act is *The Employment Standards Amend- Short title
ment Act, 1978*.

The Employment Standards Act, 1974

1st Reading

October 30th, 1978

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

240
LB
-B56

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Government
Publications

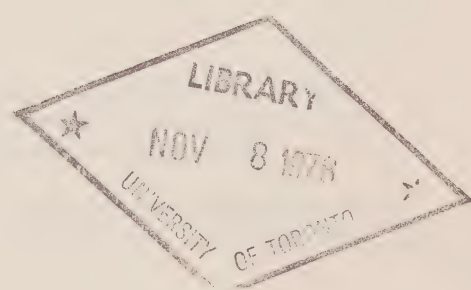
BILL 165

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Game and Fish Act**

MR. PHILIP



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to restrict the use of body-gripping and leg-hold traps in Ontario. The Bill creates a general prohibition against the use of body-gripping and leg-hold traps as a means of trapping any animal. Exemptions from the general prohibition are provided for persons who hold trappers' licences or who use body-gripping traps of a specified size that are submerged in water and for farmers.

BILL 165

1978

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1a as paragraph 1b and by adding thereto the following paragraphs:

1a. "body-gripping trap" means a trap that is designed to capture the animal for which it is set by seizing and holding the animal by any part of its body, but does not include a wood-based trap designed to capture mice or other small rodents;

.

16a. "leg-hold trap" means a trap that is designed to capture the animal for which it is set by seizing and holding the animal by the leg or foot.

- (2) Paragraph 30 of the said section 1 is amended by inserting after "spring trap" in the first line "body-gripping trap, leg-hold trap".
2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:

(3) This Act applies to domestic animals and to persons referred to in clauses *b* and *c* of subsection 1 in respect of the restrictions on the use of body-gripping and leg-hold traps referred to in section 29a.

s. 29a,
enacted

3. The said Act is amended by adding thereto the following section:

Interpre-
tation

29a.—(1) In this section, “animal” includes any domestic, fur-bearing or game animal.

Prohibition

(2) No person shall trap or attempt to trap any animal by means of a body-gripping or leg-hold trap.

Exceptions

(3) Subsection 2 does not apply,

(a) to a person who holds a licence to trap animals issued under this Act;

(b) to a farmer who uses a body-gripping or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;

(c) to a person who sets and maintains a body-gripping trap with a jaw spread of less than ten inches that is completely submerged in water.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Game and Fish Amendment Act, 1978*.

An Act to amend
The Game and Fish Act

1st Reading

October 30th, 1978

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, (ONTARIO
27 ELIZABETH II, 1978 71

An Act to establish the
Ministry of Intergovernmental Affairs

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes the Ministry of Intergovernmental Affairs.

BILL 166

1978

An Act to establish the Ministry of Intergovernmental Affairs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Intergovernmental Affairs;
- (b) "intergovernmental affairs" means any relationship between the Government of Ontario and the Government of Canada or a minister, agency or official thereof, the government of another province or territory of Canada or any minister, agency or official thereof, or the government of a foreign country or state or any agency thereof, or any municipality;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Intergovernmental Affairs;
- (e) "municipality" means the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district and includes a local board thereof, as defined in clause *d* of section 1 of *The Municipal Affairs Act*, and a board, commission, conservation authority or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory.

R.S.O. 1970,
c. 118

2. There shall be a ministry of the public service to be known as the Ministry of Intergovernmental Affairs.

Ministry
established

Minister
to have
charge

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Seal

4.—(1) The Lieutenant Governor in Council may authorize a seal for the Minister and prescribe its use on documents.

Mechanical
reproduction
of seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed.

Federal-
provincial,
inter-
provincial
and inter-
national
affairs

5.—(1) The Minister is responsible for making recommendations to the Executive Council on the programs and activities of the Government of Ontario and its agencies in relation to federal-provincial, inter-provincial and international affairs.

Municipal
affairs

(2) The Minister is responsible for the policies of the Government of Ontario in relation to municipalities and, without limiting the generality of the foregoing is responsible for,

- (a) advising the Executive Council as to the organization, function and structure of municipal institutions;
- (b) exercising the powers conferred on the Ministry in any general or special Act in relation to the administration of municipalities; and
- (c) co-ordinating programs of financial assistance to municipalities.

Orders
establishing
procedures

(3) The Lieutenant Governor in Council may, on the recommendation of the Minister, make orders establishing procedures to achieve the objectives set out in subsections 1 and 2 and, without limiting the generality of the foregoing, such orders may provide for procedures respecting the execution, by the Government of Ontario, of agreements or classes of agreements with other governments.

Administration
of Acts

(4) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Deputy
Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Intergovernmental Affairs who shall be the deputy head of the Ministry.

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him. Duties of Deputy Minister

(3) Any power or duty conferred on the Minister by this or any other Act may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in the delegation, to the Deputy Minister or to any officer of the Ministry who may act for him in his place and stead, and when the Deputy Minister or such other officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation of powers and duties of Minister

(4) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister. Effect of R.S.O. 1970, c. 153

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, or any officer or employee of the Ministry, or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty, or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Idem R.S.O. 1970, c. 365

8. A reference to the Treasurer of Ontario and Minister of Intergovernmental Affairs in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing, made under any Act listed in such Schedule, shall be deemed to be a reference to the Minister of Intergovernmental Affairs, except where inconsistent, so long as the Minister administers such Act. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

9. The Lieutenant Governor in Council may by order amend the Schedule. Amendments to Schedule

10. This Act shall be deemed to have come into force on the 16th day of August, 1978. Commencement

11. The short title of this Act is *The Ministry of Intergovernmental Affairs Act, 1978*. Short title

SCHEDULE

The City of Cornwall Annexation Act, 1974
The City of Hamilton Act, 1975
The City of Hazeldean-March Act, 1978
The City of Port Colborne Act, 1974
The City of Thorold Act, 1975
The City of Thunder Bay Act, 1968-69
The City of Timmins-Porcupine Act, 1972
The County of Oxford Act, 1974
The District Municipality of Muskoka Act
The Fire Guardians Act
The Fires Extinguishment Act
The Haliburton Act
The Line Fences Act
The Local Improvement Act
The Moosonee Development Area Board Act
The Municipal Act
The Municipal Affairs Act
The Municipal Arbitrations Act
The Municipal Corporations Quieting Orders Act
The Municipal Elderly Residents' Assistance Act, 1973
The Municipal Elections Act, 1977
The Municipal Franchises Act
The Municipal and School Tax Credit Assistance Act
The Municipal Subsidies Adjustment Repeal Act, 1976
The Municipal Tax Assistance Act
The Municipal Unemployment Relief Act, 1971
The Municipal Works Assistance Act
The Municipality of Metropolitan Toronto Act
The Municipality of Shuniah Act, 1936
The Ontario Unconditional Grants Act, 1975
The Ottawa-Carleton Amalgamations and Elections Act, 1973
The Provincial Parks Municipal Tax Assistance Act, 1974
The Public Parks Act
The Public Utilities Act
The Public Utilities Corporations Act

- The Regional Municipality of Durham Act, 1973*
The Regional Municipality of Haldimand-Norfolk Act, 1973
The Regional Municipality of Halton Act, 1973
The Regional Municipality of Hamilton-Wentworth Act, 1973
The Regional Municipality of Niagara Act
The Regional Municipality of Ottawa-Carleton Act
The Regional Municipality of Peel Act, 1973
The Regional Municipality of Sudbury Act, 1972
The Regional Municipality of Waterloo Act, 1972
The Regional Municipality of York Act
The Shoreline Property Assistance Act, 1973
The Snow Roads and Fences Act
The Statute Labour Act
The Tax Sales Confirmation Act, 1974
The Territorial Division Act
The Town of Wasaga Beach Act, 1973
The Township of North Plantagenet Act, 1976
The Vacant Land Cultivation Act
The Village of Point Edward Act, 1972
The Wharfs and Harbours Act

An Act to establish the
Ministry of Intergovernmental Affairs

1st Reading

November 2nd, 1978

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

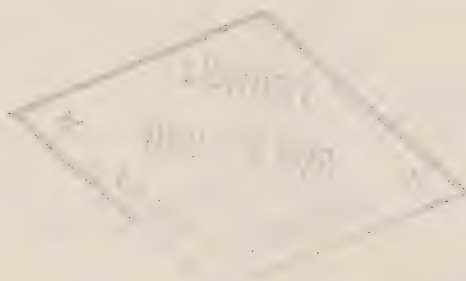
(*Government Bill*)

BILL 166

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to establish the
Ministry of Intergovernmental Affairs**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 166

1978

An Act to establish the Ministry of Intergovernmental Affairs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Intergovernmental Affairs;
- (b) "intergovernmental affairs" means any relationship between the Government of Ontario and the Government of Canada or a minister, agency or official thereof, the government of another province or territory of Canada or any minister, agency or official thereof, or the government of a foreign country or state or any agency thereof, or any municipality;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Intergovernmental Affairs;
- (e) "municipality" means the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district and includes a local board thereof, as defined in clause *d* of section 1 of *The Municipal Affairs Act*, and a board, commission, conservation authority or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory.

R.S.O. 1970,
c. 118

2. There shall be a ministry of the public service to be known as the Ministry of Intergovernmental Affairs.

Ministry
established

Minister
to have
charge

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Seal

4.—(1) The Lieutenant Governor in Council may authorize a seal for the Minister and prescribe its use on documents.

Mechanical
reproduction
of seal

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed.

Federal-
provincial,
inter-
provincial
and inter-
national
affairs

5.—(1) The Minister is responsible for making recommendations to the Executive Council on the programs and activities of the Government of Ontario and its agencies in relation to federal-provincial, inter-provincial and international affairs.

Municipal
affairs

(2) The Minister is responsible for the policies of the Government of Ontario in relation to municipalities and, without limiting the generality of the foregoing is responsible for,

- (a) advising the Executive Council as to the organization, function and structure of municipal institutions;
- (b) exercising the powers conferred on the Ministry in any general or special Act in relation to the administration of municipalities; and
- (c) co-ordinating programs of financial assistance to municipalities.

Orders
establishing
procedures

(3) The Lieutenant Governor in Council may, on the recommendation of the Minister, make orders establishing procedures to achieve the objectives set out in subsections 1 and 2 and, without limiting the generality of the foregoing, such orders may provide for procedures respecting the execution, by the Government of Ontario, of agreements or classes of agreements with other governments.

Administration
of Acts

(4) The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Deputy
Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Intergovernmental Affairs who shall be the deputy head of the Ministry.

(2) Under the direction of the Minister, the Deputy Minister shall perform such duties as the Minister may assign or delegate to him. Duties of Deputy Minister

(3) Any power or duty conferred on the Minister by this or any other Act may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in the delegation, to the Deputy Minister or to any officer of the Ministry who may act for him in his place and stead, and when the Deputy Minister or such other officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation of powers and duties of Minister

(4) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister. Effect of R.S.O. 1970, c. 153

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, or any officer or employee of the Ministry, or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty, or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. Idem R.S.O. 1970, c. 365

8. A reference to the Treasurer of Ontario and Minister of Intergovernmental Affairs in any Act listed in the Schedule, or in any regulation, order in council, ministerial order, act or thing, made under any Act listed in such Schedule, shall be deemed to be a reference to the Minister of Intergovernmental Affairs, except where inconsistent, so long as the Minister administers such Act. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

9. The Lieutenant Governor in Council may by order amend the Schedule. Amendments to Schedule

10. This Act shall be deemed to have come into force on the 16th day of August, 1978. Commencement

11. The short title of this Act is *The Ministry of Intergovernmental Affairs Act, 1978*. Short title

SCHEDULE

The City of Cornwall Annexation Act, 1974
The City of Hamilton Act, 1975
The City of Hazeldean-March Act, 1978
The City of Port Colborne Act, 1974
The City of Thorold Act, 1975
The City of Thunder Bay Act, 1968-69
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The Moosonee Development Area Board Act
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The Municipal Corporations Quieting Orders Act
The Municipal Elderly Residents' Assistance Act, 1973
The Municipal Elections Act, 1977
The Municipal Franchises Act
The Municipal and School Tax Credit Assistance Act
The Municipal Subsidies Adjustment Repeal Act, 1976
The Municipal Tax Assistance Act
The Municipal Unemployment Relief Act, 1971
The Municipal Works Assistance Act
The Municipality of Metropolitan Toronto Act
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The Town of Wasaga Beach Act, 1973
The Township of North Plantagenet Act, 1976
The Vacant Land Cultivation Act
The Village of Point Edward Act, 1972
The Wharfs and Harbours Act

An Act to establish the
Ministry of Intergovernmental Affairs

1st Reading

November 2nd, 1978

2nd Reading

November 21st, 1978

3rd Reading

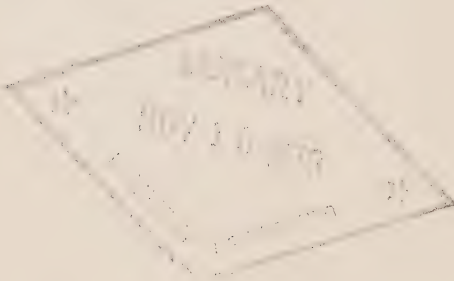
November 21st, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Mining Act

MR. WILDMAN



An Act to amend
The Mining Act

1st Reading

November 2nd, 1978

2nd Reading

3rd Reading

MR. WILDMAN

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Niagara Parks Act

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy



EXPLANATORY NOTES

SECTION 1. The Act is amended to provide for a maximum fine of \$500 for a contravention of the regulations.

At present, the Act provides for the imposition by the regulations of a maximum fine of \$100 for a contravention of any regulation (s. 20 (1) (j)).

The provision for a fine in the Act rather than in the regulations is in accordance with present practice.

SECTION 2. Clause *j* of subsection 1 of section 20 of the Act now reads as follows:

20.—(1) *The Commission, with the approval of the Lieutenant Governor in Council, may make regulations,*

(j) for imposing fines not exceeding \$100 for any breach of any regulation.

The repeal of the clause is complementary to section 1 of the Bill.

BILL 168

1978

An Act to amend The Niagara Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Niagara Parks Act*, being chapter 298 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

19a. Every person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.
2. Clause *j* of subsection 1 of section 20 of the said Act is repealed.
3. This Act comes into force on the day it receives Royal Assent.
4. The short title of this Act is *The Niagara Parks Amendment Act, 1978*.

s. 19a,
enacted

Offence

s. 20 (1) (j),
repealedCommence-
ment

Short title

An Act to amend
The Niagara Parks Act

1st Reading

November 7th, 1978

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

(Government Bill)

3
B
- B 55
BILL 168

2ND SESSION, 31ST LEGISLATURE/ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Niagara Parks Act

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

BILL 168

1978

An Act to amend The Niagara Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Niagara Parks Act*, being chapter 298 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 19a, enacted}

19a. Every person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. ^{Offence}

2. Clause *j* of subsection 1 of section 20 of the said Act is repealed. ^{s. 20 (1) (j), repealed}
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
4. The short title of this Act is *The Niagara Parks Amendment Act, 1978*. ^{Short title}

An Act to amend
The Niagara Parks Act

1st Reading

November 7th, 1978

2nd Reading

December 4th, 1978

3rd Reading

December 4th, 1978

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

HB 414
XB
-B5G

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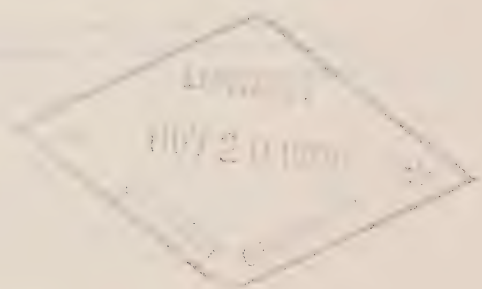
BILL 169

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Labour Relations Act

MR. WILLIAMS



EXPLANATORY NOTES

The purpose of the Bill is to make changes to *The Labour Relations Act*.

SECTION 1. The proposed amendment is complementary to the amendment proposed in section 3 of the Bill.

SECTION 2. The proposed amendment clarifies that it is not an unfair labour practice for the employer to communicate details of the employer's latest offer to employees.

SECTION 3. The proposed new subsection 5 of section 63 requires that strike votes be held under the supervision and direction of the Ministry of Labour.

BILL 169

1978

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 76, section 1 and 1977, chapter 31, section 1, is further amended by adding thereto the following clause:

(ka) "Ministry" means the Ministry of Labour.

2. The said Act is amended by adding thereto the following section:

62a. Nothing in this Act prohibits an employer from posting at a place at which the employee works or by sending by mail to the address where the employee resides a notice setting out the offer provided to the trade union by the employer in respect of all matters in dispute between the parties.

3. Subsections 4 and 5 of section 63 of the said Act are repealed and the following substituted therefor:

(4) No trade union shall declare or authorize a strike, and no employee shall strike until at least a majority of the employees in the bargaining unit concerned have voted in favour of a strike in a strike vote held by secret ballot.

(5) Any vote mentioned in subsection 4 shall be conducted under the supervision and direction of an officer of the Ministry designated by the Minister for the purpose and the vote shall be held at a time and place to be named by the officer upon consultation with the trade union and the employer.

Vote to
ratify
collective
agreement
Idem

(6) A vote to ratify a proposed collective agreement taken by a trade union shall be by secret ballot.

(7) Any vote mentioned in subsection 6 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

s. 76,
re-enacted

4. Section 76 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 76, section 19, is repealed and the following substituted therefor:

Financial
statement

76.—(1) Every trade union shall file with the Board within six months from the end of its fiscal year a financial statement of its affairs to the end of that fiscal year consisting of,

- (a) a balance sheet showing the assets and liabilities of the union as at the end of the fiscal year;
- (b) a statement of income and expenditure for the fiscal year; and
- (c) a statement of surplus for the fiscal year, and

upon the request of any member shall provide the member with a copy of the financial statement without charge.

Auditor's
report

(2) The financial statement shall be accompanied at the time of filing by an auditor's report thereon signed by the auditor and stating whether in his opinion the financial statement presents fairly the financial position of the union and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any.

Statement
of
salaries
and
investments

(3) Every trade union local shall provide to each of its members without charge and file with the Board within six months from the end of its fiscal year,

- (a) a statement of salaries, expenses, fees and commissions paid from union funds to its elected officers disclosing to whom the payments were made, in what amount and for what purposes; and
- (b) a statement of investments describing separately each investment made with union funds.

Idem

(4) Every trade union that has a national or regional office located in Ontario shall provide to each of its members without charge and file with the Board within six months

SECTION 4. The proposed new section 76 requires a trade union to provide certain types of information about its financial affairs to members and to the Ontario Labour Relations Board.

SECTION 5. The proposed section 76*b* limits the amount of union funds contributed by members that may be transferred outside Canada and requires that investments made of union funds be of a type authorized by *The Trustee Act* and *The Pension Benefits Act*.

from the end of its fiscal year the statements referred to in subsection 3 in respect of the trade union's national or regional officers and its investments.

(5) Where the Board, for any reason, determines that a statement referred to in this section is inadequate, the Board may order the trade union to prepare another statement in a form and containing such particulars as the Board considers appropriate.

Where
financial
statement
inadequate

(6) A trade union that fails to provide or file financial statements or information as and when required by this section is guilty of an offence under this Act, and every officer, executive or agent of the union who directed, authorized, assented to, acquiesced in or participated in the offence is a party to and guilty of the offence.

Offence

5. The said Act is further amended by adding thereto the following section:

s. 76b,
enacted

76b.—(1) A trade union shall not make an investment of union funds unless the investment belongs to a class of investment authorized by or under *The Trustee Act* or *The Pension Benefits Act*.

Investments
R.S.O. 1970,
cc. 470, 342

(2) No trade union shall pay, transfer or invest outside Canada more than 15 per cent of the funds received by it from union members residing in Ontario.

Funds
to be
spent in
Canada

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. The short title of this Act is *The Labour Relations Amendment Act, 1978*.

Short title

An Act to amend
The Labour Relations Act

1st Reading

November 7th, 1978

2nd Reading

3rd Reading

MR. WILLIAMS

(Private Member's Bill)

A24N
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Government
Publications

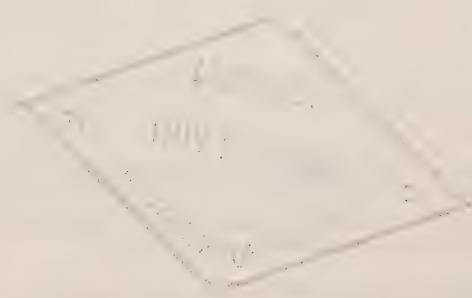
11 BILL 170

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Labour Relations Act

MR. MACKENZIE



EXPLANATORY NOTES

SECTION 1. The proposed amendment deletes the exclusion from "employee" of persons who exercise managerial functions and, as a consequence, permits these persons to join or establish an association or union for collective bargaining purposes.

SECTION 2. The proposed amendment reduces the percentage of employees in a bargaining unit required to be members of a trade union in order for the Board to direct a representation vote. The proposed amendment requires the Board to certify a trade union as a bargaining agent without a representation vote where the Board is satisfied that more than 50 per cent of the members of the bargaining unit are members of the trade union. A representation vote held under this section must be held within seven days of the day on which the Board directs the vote.

SECTION 3. The proposed amendment repeals a provision of the Act that prohibits the inclusion of security guards in a bargaining unit. The repeal of this provision would permit security guards to join or establish an association or union for collective bargaining purposes.

SECTION 4. The proposed amendment is complementary to section 5 of the Bill.

BILL 170

1978

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 3 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (3) (b),
re-enacted

(b) who, in the opinion of the Board, is employed in a confidential capacity in matters relating to labour relations.

2. Subsections 2 and 3 of section 7 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 76, section 4, are repealed and the following substituted therefor: s. 7 (2) (3),
re-enacted

(2) If the Board is satisfied that not less than 35 per cent and not more than 50 per cent of the employees in the bargaining unit are members of the trade union, the Board shall direct that a representation vote be taken within seven days of the day on which the direction is made. Determination
of members
in bargaining
unit

(3) If on the taking of a representation vote more than 50 per cent of the ballots cast are in favour of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit. Certification
after vote

(4) If the Board is satisfied that more than 50 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as bargaining agent without taking a representation vote. Certification
without vote

3. Section 11 of the said Act is repealed. s. 11,
repealed

4. Subsection 1 of section 55 of the said Act is amended by inserting after "section" in the first line "and section 55a". s. 55 (1),
amended

s. 55a,
enacted

5. The said Act is amended by adding thereto the following section:

Relocation
rights

55a.—(1) Where an employer relocates his business, the employer is bound by determinations, agreements and proceedings made under this Act in respect of the business before the date of the relocation until the Board otherwise declares, and the determinations, agreements and proceedings shall continue in effect as if no change had occurred except that the description of the bargaining unit contained in the certificate or collective agreement is deemed to be amended to include the new location.

Continuation
of
employment

(2) An employer shall provide reasonable notice to his employees of any decision to relocate his business and the employer shall permit an employee affected thereby sixty days from the date of the notice of relocation to accept employment at the new location.

Exception

(3) Notwithstanding subsection 2, an employer is not required to continue the employment of an employee if the employer no longer requires work to be performed in the new location of the same nature as work performed by the employee in the former location and the employer no longer requires the skills possessed by the employee for any work performed at the new location.

Remedial
power of
Board

(4) Where a business has been relocated and a trade union or council of trade unions was the bargaining agent of any of the employees of the business in the former location or a trade union or council of trade unions is the bargaining agent of the employees of a similar business being carried on in the area of the new location, and,

(a) any question arises concerning the application of this section; or

(b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsection 1, a conflict exists between the bargaining rights of the trade union or council of trade unions that was the bargaining agent of the employees of the business in the former location and a trade union or council of trade unions that represents employees of a similar business being carried on in the area of the new location,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

SECTION 5. The proposed new section 55a is designed to preserve the collective bargaining rights of employees of a business that is relocated. In addition to continuing pre-relocation bargaining rights and collective agreements in force after the relocation, the proposed amendment provides for a sixty day period from the date of the notice of relocation during which an employee can choose to continue his employment at the new location. Once the relocation has taken place, the Ontario Labour Relations Board has authority to determine whether a bargaining unit exists.

- (c) define the composition of the bargaining unit for the business in the new location and certify a trade union or council of trade unions as the bargaining agent of employees in the bargaining unit; and
- (d) amend, to such extent as the Board considers necessary, any bargaining unit in any certificate issued to a trade union or council of trade unions before the relocation or any bargaining unit defined in any collective agreement concluded before the relocation.

- 6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 7. The short title of this Act is *The Labour Relations Amendment Act, 1978*. Short title

An Act to amend
The Labour Relations Act

1st Reading

November 7th, 1978

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

A24N
XB
-B56

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17 BILL 171

Government
Publications

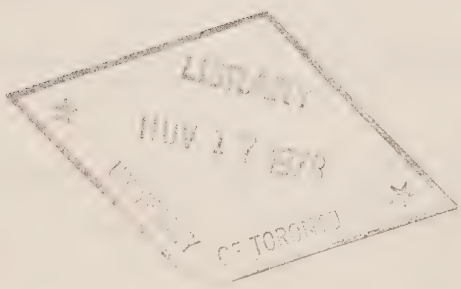
Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Assembly

An Act to amend The Law Society Act

MR. SAMIS



EXPLANATORY NOTE

The purpose of this Bill is to prohibit The Law Society of Upper Canada from continuing to prevent lawyers in Ontario from advertising their services to members of the public.

BILL 171

1978

An Act to amend The Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Law Society Act*, being chapter 238 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 56, enacted}

56. Notwithstanding anything in this Act, the Society shall not prohibit or restrict, by rule, regulation or otherwise, any member from informing the public in a manner and form of the member's choice, concerning, ^{Advertising by members}

- (a) the nature of services provided by the member;
- (b) the fees charged for the services of the member;
- (c) the field of specialization or concentration of the member, if any; and
- (d) the address, telephone number and hours of work of the member,

and the member shall be permitted to use any print, broadcasting or other medium available to him to so inform the public.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. The short title of this Act is *The Law Society Amendment Act*, ^{Short title} 1978.

An Act to amend
The Law Society Act

1st Reading

November 7th, 1978

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

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Government
Publications

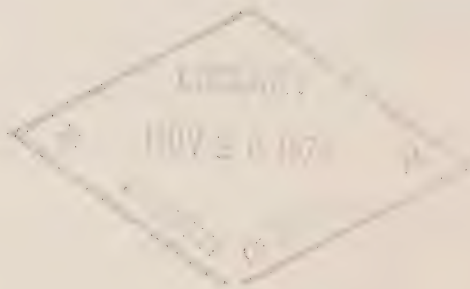
BILL 172

Government Bill

2ND SESSION, 31ST LEGISLATURE, ¹ONTARIO
27 ELIZABETH II, 1978 ²

**An Act to erect the Township of Nepean into a
City Municipality**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTE

The Bill provides for erecting the Township of Nepean into a city municipality and for matters consequent thereon.

BILL 172

1978

An Act to erect the Township of Nepean into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Nepean is erected into a city municipality bearing the name of The Corporation of the City of Nepean.

Township of Nepean erected into city municipality

2. Sections 17, 19 and 22 of *The Municipal Act* apply with necessary modifications in respect of the erecting of the Township of Nepean into a city municipality.

Application of R.S.O. 1970, c. 284, ss. 17, 19, 22

3. A reference in any general or special Act to The Corporation of the Township of Nepean or to the Township of Nepean shall be deemed to be a reference to The Corporation of the City of Nepean and to the City of Nepean, respectively.

References in other Acts

4. Nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation of the City of Nepean on the council of The Regional Municipality of Ottawa-Carleton as established by subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*.

Representation on Regional Council

R.S.O. 1970, c. 407

5. The reeve of the Township of Nepean shall be the mayor of the City of Nepean and, except for the purposes of clause f of subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*, the deputy reeve and councillors of the Township shall be aldermen of the City.

Mayor and aldermen

6. For the purpose of the calculation of the payment of grants by the Government of Ontario to the City of Nepean for the period ending the 31st day of December, 1978, the City shall be deemed to be a township municipality.

Deemed township municipality for calculation of grants

Existing
speed limits
continued
R.S.O. 1970,
c. 202

7.—(1) Subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act*, the City of Nepean shall be deemed to be a township municipality.

By-laws of
Regional
Council and
City council

(2) Notwithstanding subsection 1, the council of The Regional Municipality of Ottawa-Carleton and the council of the City may exercise any of their powers under section 82 of *The Highway Traffic Act* in respect of highways under their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies, on the day this Act comes into force, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem

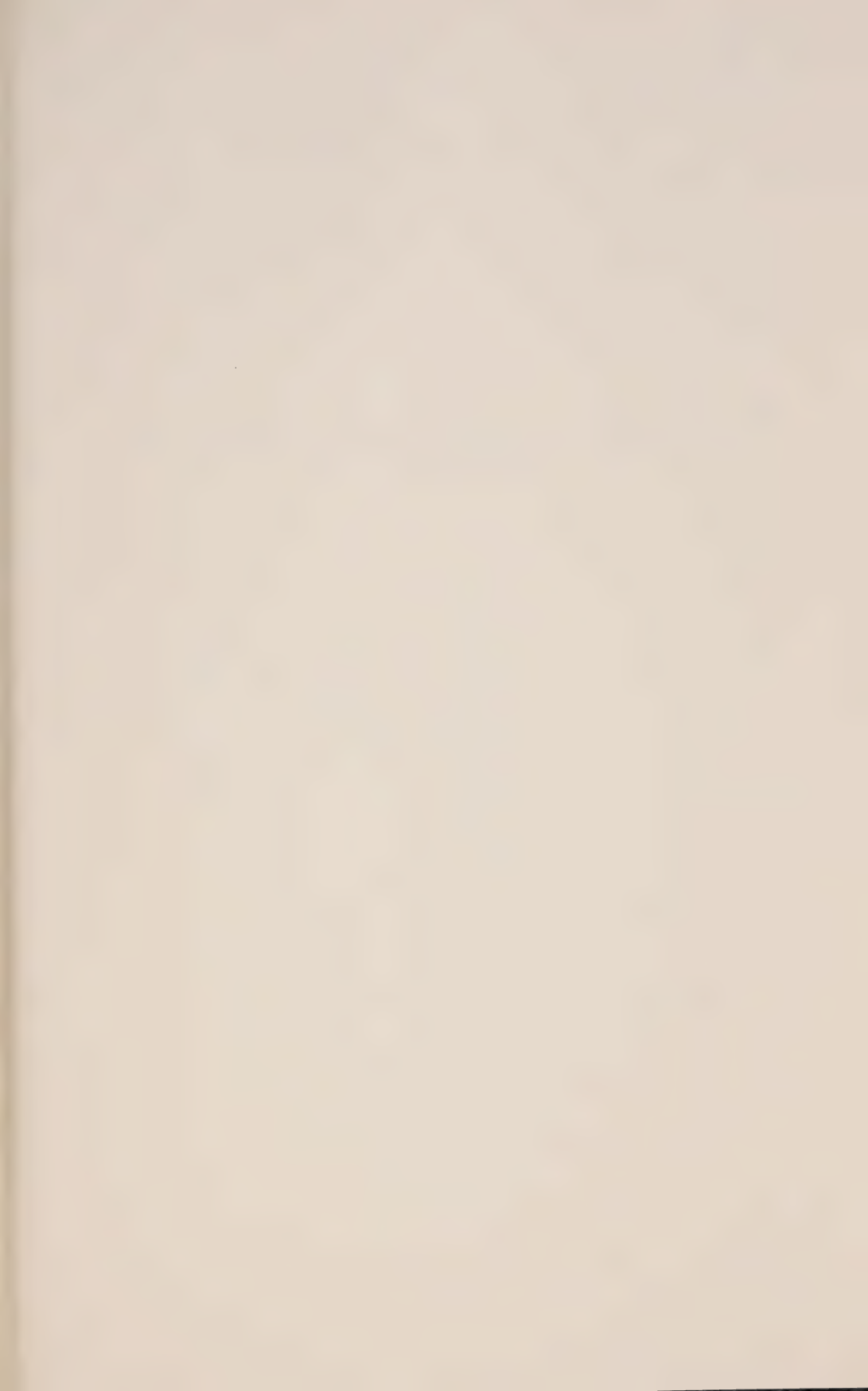
(4) Consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 3.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The City of Nepean Act*, 1978.



An Act to erect the Township of
Nepean into a City Municipality

1st Reading

November 9th, 1978

2nd Reading

3rd Reading

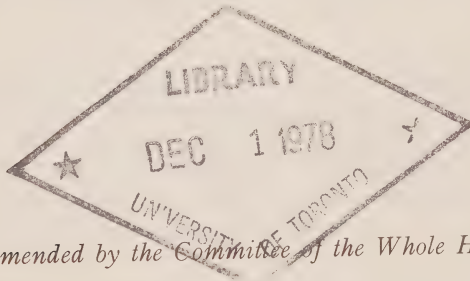
THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to erect the Township of Nepean into a
City Municipality**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTE

The Bill provides for erecting the Township of Nepean into a city municipality and for matters consequent thereon.

BILL 172

1978

An Act to erect the Township of Nepean into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Nepean is erected into a city municipality bearing the name of The Corporation of the City of Nepean. Township of Nepean erected into city municipality
2. Sections 17, 19 and 22 of *The Municipal Act* apply with necessary modifications in respect of the erecting of the Township of Nepean into a city municipality. Application of R.S.O. 1970, c. 284, ss. 17, 19, 22
3. A reference in any general or special Act to The Corporation of the Township of Nepean or to the Township of Nepean shall be deemed to be a reference to The Corporation of the City of Nepean and to the City of Nepean, respectively. References in other Acts
- 4.—(1) Nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation of the City of Nepean on the council of The Regional Municipality of Ottawa-Carleton as established by subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*. Representation on Regional Council
R.S.O. 1970, c. 407
- (2) Notwithstanding subsections 4, 6 and 8 of section 110 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation on The Carleton Roman Catholic Separate School Board of any area municipality within the jurisdiction of the said Board. Representation on The Carleton Roman Catholic Separate School Board
1974, c. 109
5. The reeve of the Township of Nepean shall be the mayor of the City of Nepean and, except for the purposes of clause *f* of subsection 1 of section 4 of *The Regional* Mayor and aldermen

Municipality of Ottawa-Carleton Act, the deputy reeve and councillors of the Township shall be aldermen of the City.

Deemed township municipality for calculation of grants

6. For the purpose of the calculation of the payment of grants by the Government of Ontario to the City of Nepean for the period ending the 31st day of December, 1978, the City shall be deemed to be a township municipality.

Existing speed limits continued
R.S.O. 1970, c. 202

7.—(1) Subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act*, the City of Nepean shall be deemed to be a township municipality.

By-laws of Regional Council and City council

(2) Notwithstanding subsection 1, the council of The Regional Municipality of Ottawa-Carleton and the council of the City may exercise any of their powers under section 82 of *The Highway Traffic Act* in respect of highways under their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies, on the day this Act comes into force, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem

(4) Consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 3.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The City of Nepean Act, 1978*.

An Act to erect the Township of
Nepean into a City Municipality

1st Reading

November 9th, 1978

2nd Reading

November 21st, 1978

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

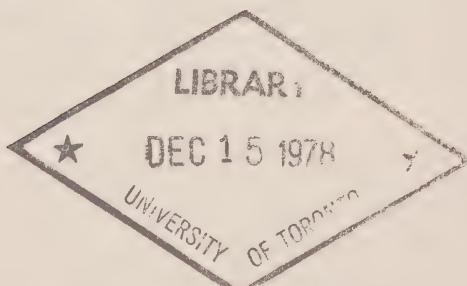
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 172

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to erect the Township of Nepean into a
City Municipality**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 172

1978

An Act to erect the Township of Nepean into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Nepean is erected into a city municipality bearing the name of The Corporation of the City of Nepean. Township of Nepean erected into city municipality
2. Sections 17, 19 and 22 of *The Municipal Act* apply with necessary modifications in respect of the erecting of the Township of Nepean into a city municipality. Application of R.S.O. 1970, c. 284, ss. 17, 19, 22
3. A reference in any general or special Act to The Corporation of the Township of Nepean or to the Township of Nepean shall be deemed to be a reference to The Corporation of the City of Nepean and to the City of Nepean, respectively. References in other Acts
- 4.—(1) Nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation of the City of Nepean on the council of The Regional Municipality of Ottawa-Carleton as established by subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act*. Representation on Regional Council
R.S.O. 1970, c. 407
- (2) Notwithstanding subsections 4, 6 and 8 of section 110 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation on The Carleton Roman Catholic Separate School Board of any area municipality within the jurisdiction of the said Board. Representation on The Carleton Roman Catholic Separate School Board
1974, c. 109
5. The reeve of the Township of Nepean shall be the mayor of the City of Nepean and, except for the purposes of clause *f* of subsection 1 of section 4 of *The Regional* Mayor and aldermen

Municipality of Ottawa-Carleton Act, the deputy reeve and councillors of the Township shall be aldermen of the City.

Deemed township municipality for calculation of grants

6. For the purpose of the calculation of the payment of grants by the Government of Ontario to the City of Nepean for the period ending the 31st day of December, 1978, the City shall be deemed to be a township municipality.

Existing speed limits continued
R.S.O. 1970, c. 202

7.—(1) Subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act*, the City of Nepean shall be deemed to be a township municipality.

By-laws of Regional Council and City council

(2) Notwithstanding subsection 1, the council of The Regional Municipality of Ottawa-Carleton and the council of the City may exercise any of their powers under section 82 of *The Highway Traffic Act* in respect of highways under their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies, on the day this Act comes into force, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem

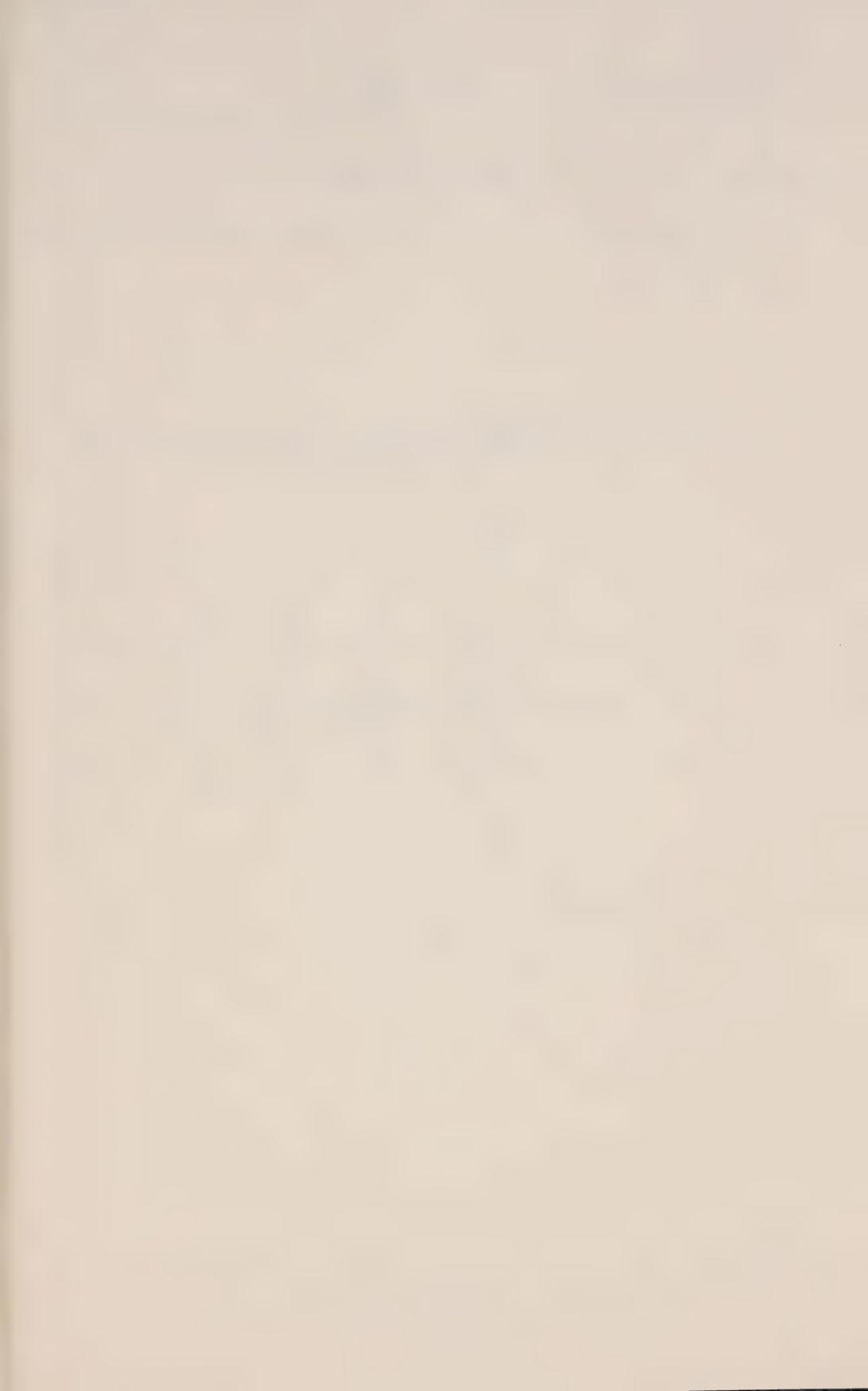
(4) Consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 3.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The City of Nepean Act*, 1978.



An Act to erect the Township of
Nepean into a City Municipality

1st Reading

November 9th, 1978

2nd Reading

November 21st, 1978

3rd Reading

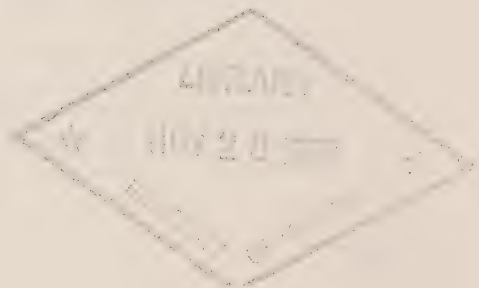
November 21st, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend The Crown Employees Collective
Bargaining Act, 1972**

THE HON. G. MCCAGUE
Chairman of Management Board of Cabinet



EXPLANATORY NOTE

SECTION 1. Section 18 of the Act provides for the arbitration of grievances by the Grievance Settlement Board. Subsection 3 of section 18 authorizes the Board to substitute another penalty for a disciplinary penalty or dismissal that the Board determines is excessive.

New subsection 3*a* provides that where the Grievance Settlement Board, in exercising its authority under subsection 3 of section 18, finds that an employee who works in a facility has acted in a manner set out in subsection 3*a*, the Board shall not provide for the employment of the employee in a position that involves direct responsibility for or that involves contact with residents in a facility, but the Board may provide for the employment of the employee in another substantially equivalent position.

The terms "facility" and "resident" are defined in new subsection 3*b* of section 18.

An Act to amend The Crown Employees Collective Bargaining Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Crown Employees Collective Bargaining Act*, ^{s. 18, amended} 1972, being chapter 67, as re-enacted by the Statutes of Ontario, 1974, chapter 135, section 9, is amended by adding thereto the following subsections:

(3a) Where, in exercising its authority under subsection 3, ^{Idem, employee who works in a facility} the Grievance Settlement Board finds that an employee who works in a facility,

(a) has applied force to a resident in the facility, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident; or

(b) has sexually molested a resident in the facility,

the Grievance Settlement Board shall not provide for the employment of the employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility, but the Board may provide for the employment of the employee in another substantially equivalent position.

(3b) In subsection 3a,

Inter-
pretation

(a) "facility" means,

(i) a children's mental health centre under *The* ^{1978, c. . . .} *Children's Mental Health Services Act, 1978*,

(ii) a hospital under *The Children's Mental Hospi-* ^{R.S.O. 1970, c. 69} *tals Act*,

1974, c. 2

(iii) a facility under *The Developmental Services Act, 1974*,

1974, c. 109

(iv) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 12 of *The Education Act, 1974*,R.S.O. 1970,
c. 269(v) a psychiatric facility under *The Mental Health Act*,

1978, c. 37

(vi) a correctional institution under *The Ministry of Correctional Services Act, 1978*, orR.S.O. 1970,
c. 467(vii) a training school under *The Training Schools Act*; and

(b) "resident" means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility.

Commence-
ment**2.** This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Crown Employees Collective Bargaining Amendment Act, 1978*.

An Act to amend The Crown Employees
Collective Bargaining Act, 1972

1st Reading

November 9th, 1978

2nd Reading

3rd Reading

THE HON. G. MCCAGUE
Chairman of Management Board
of Cabinet

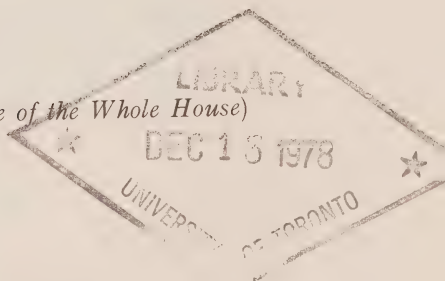
(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978 *of Leland*

**An Act to amend The Crown Employees Collective
Bargaining Act, 1972**

THE HON. G. MCCAGUE
Chairman of Management Board of Cabinet

(Reprinted as amended by the Committee of the Whole House)



EXPLANATORY NOTE

SECTION 1. Section 18 of the Act provides for the arbitration of grievances by the Grievance Settlement Board. Subsection 3 of section 18 authorizes the Board to substitute another penalty for a disciplinary penalty or dismissal that the Board determines is excessive.

New subsection 3*a* provides that where the Grievance Settlement Board, in exercising its authority under subsection 3 of section 18, finds that an employee who works in a facility has acted in a manner set out in subsection 3*a*, the Board shall not provide for the employment of the employee in a position that involves direct responsibility for or that involves contact with residents in a facility, but the Board may provide for the employment of the employee in another substantially equivalent position.

The terms "facility" and "resident" are defined in new subsection 3*b* of section 18.

BILL 173

1978

An Act to amend The Crown Employees Collective Bargaining Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Crown Employees Collective Bargaining Act*, ^{s. 18, amended} 1972, being chapter 67, as re-enacted by the Statutes of Ontario, 1974, chapter 135, section 9, is amended by adding thereto the following subsections:

(3a) Where, in exercising its authority under subsection 3, ^{Idem, employee who works in a facility} the Grievance Settlement Board finds that an employee who works in a facility,

(a) has applied force to a resident in the facility, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident; or

(b) has sexually molested a resident in the facility,

the Grievance Settlement Board shall not provide for the employment of the employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility, but the Board may provide for the employment of the employee in another substantially equivalent position.

(3b) In subsection 3a,

Interpre-
tation

(a) "facility" means,

(i) a children's mental health centre under *The* ^{1978, c. . . .} *Children's Mental Health Services Act, 1978*,

(ii) a hospital under *The Children's Mental Hospi-* ^{R.S.O. 1970, c. 69} *tals Act*,

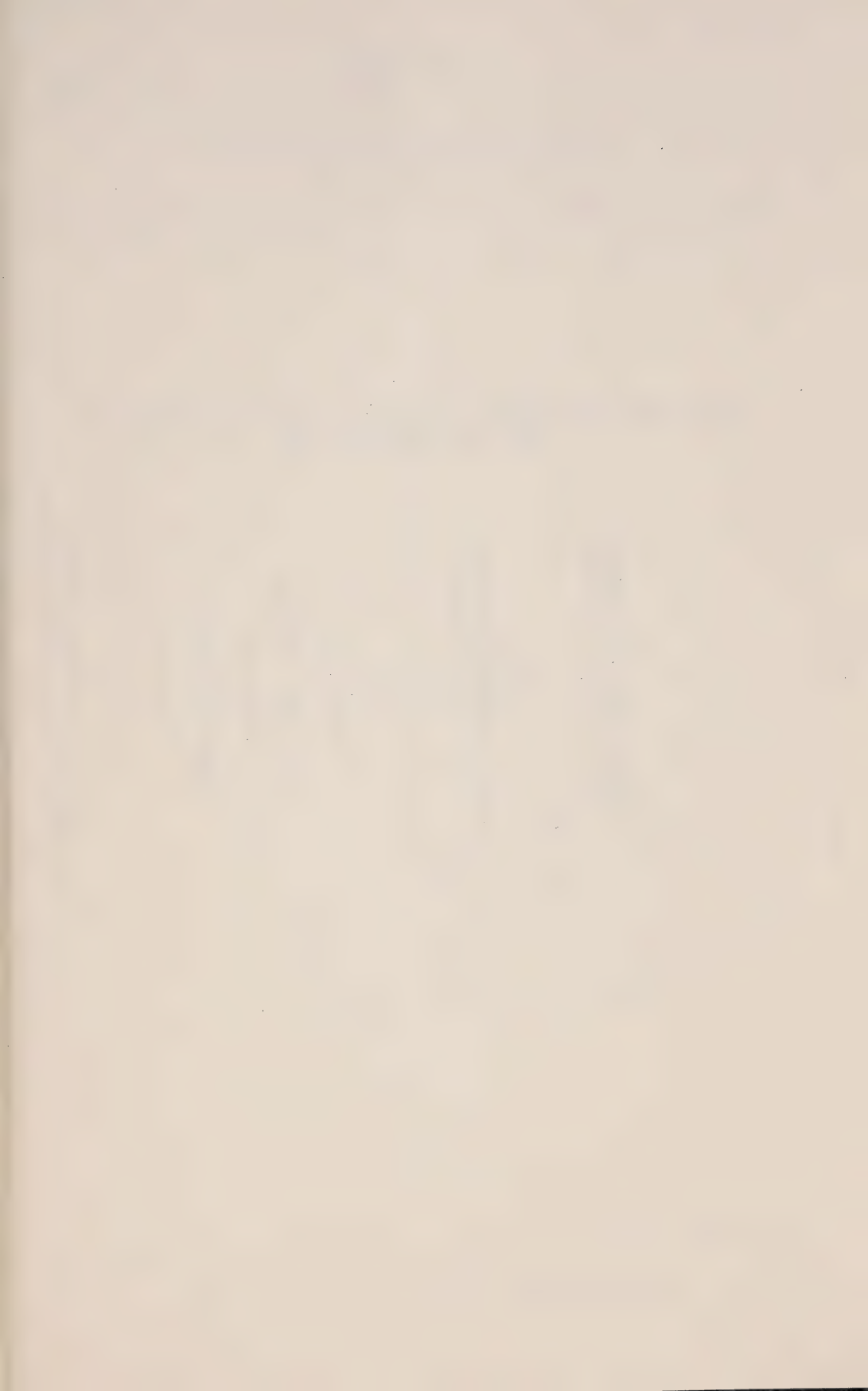
- 1974, c. 2 (iii) a facility under *The Developmental Services Act, 1974*,
- 1974, c. 109 (iv) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 12 of *The Education Act, 1974*,
- R.S.O. 1970, c. 269 (v) a psychiatric facility under *The Mental Health Act*,
- 1978, c. 37 (vi) a correctional institution under *The Ministry of Correctional Services Act, 1978*,
- R.S.O. 1970, c. 369 (vii) an observation and detention home under *The Provincial Courts Act*, or
- R.S.O. 1970, c. 467 (viii) a training school under *The Training Schools Act*; and
- (b) "resident" means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Crown Employees Collective Bargaining Amendment Act, 1978*.



An Act to amend The Crown Employees
Collective Bargaining Act, 1972

1st Reading

November 9th, 1978

2nd Reading

November 28th, 1978

3rd Reading

THE HON. G. MCCAGUE
Chairman of Management Board
of Cabinet

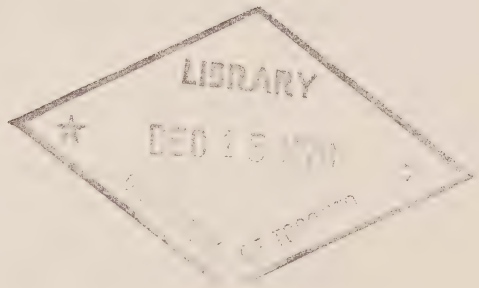
(Reprinted as amended by the
Committee of the Whole House)

BILL 173

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend The Crown Employees Collective
Bargaining Act, 1972**

THE HON. G. MCCAGUE
Chairman of Management Board of Cabinet



BILL 173

1978

An Act to amend The Crown Employees Collective Bargaining Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Crown Employees Collective Bargaining Act*, s. 18, 1972, being chapter 67, as re-enacted by the Statutes of amended Ontario, 1974, chapter 135, section 9, is amended by adding thereto the following subsections:

(3a) Where, in exercising its authority under subsection 3, the Grievance Settlement Board finds that an employee who works in a facility, Idem,
employee
who works
in a
facility

(a) has applied force to a resident in the facility, except the minimum force necessary for self-defence or the defence of another person or necessary to restrain the resident; or

(b) has sexually molested a resident in the facility,

the Grievance Settlement Board shall not provide for the employment of the employee in a position that involves direct responsibility for or that provides an opportunity for contact with residents in a facility, but the Board may provide for the employment of the employee in another substantially equivalent position.

(3b) In subsection 3a,

Interpre-
tation

(a) "facility" means,

(i) a children's mental health centre under *The Children's Mental Health Services Act*, 1978, c. . . .

(ii) a hospital under *The Children's Mental Hospitals Act*, R.S.O. 1970, c. 69

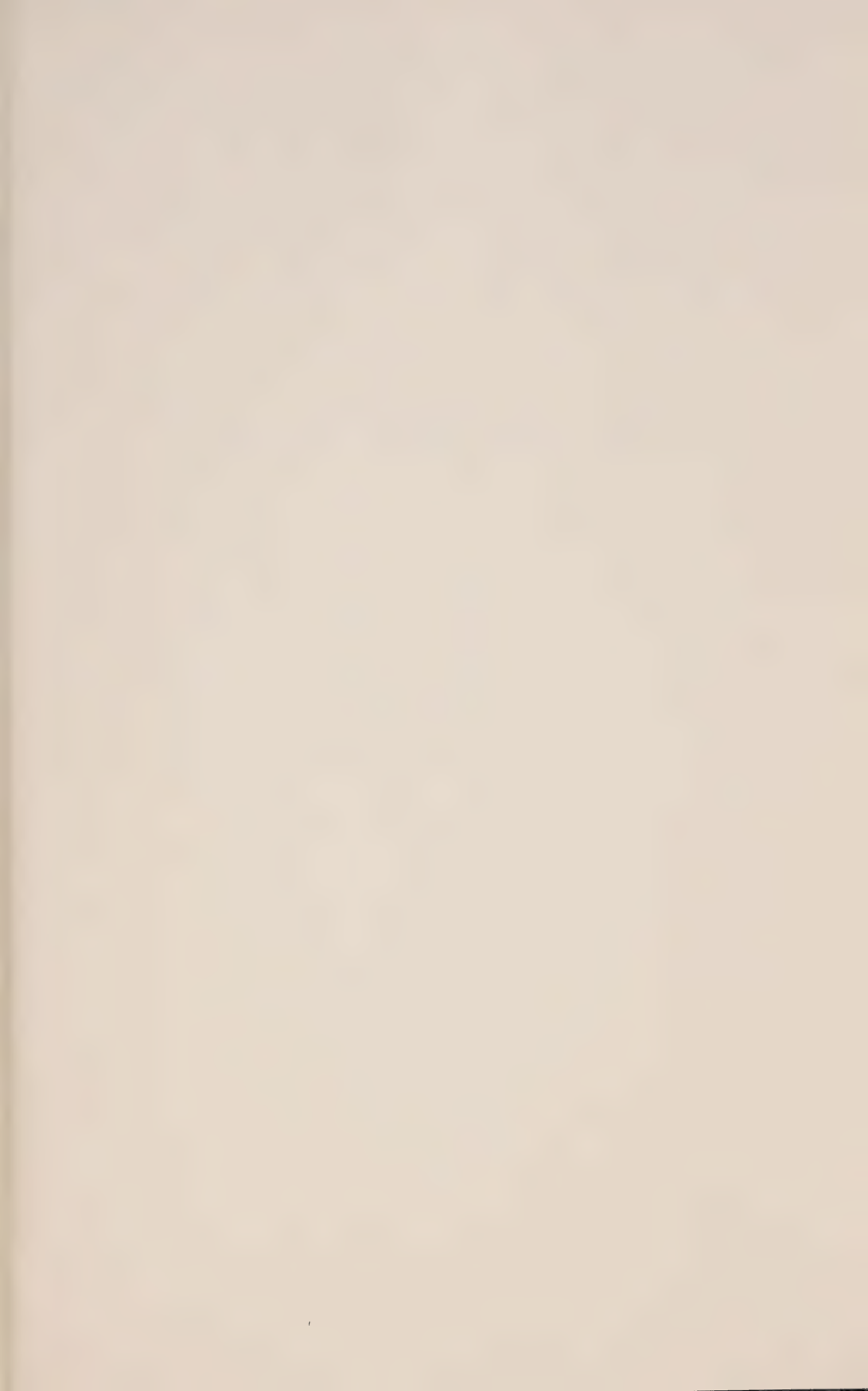
- 1974, c. 2 (iii) a facility under *The Developmental Services Act, 1974*,
- 1974, c. 109 (iv) The Ontario School for the Deaf, The Ontario School for the Blind or a school for the deaf or a school for the blind continued or established under section 12 of *The Education Act, 1974*,
- R.S.O. 1970, c. 269 (v) a psychiatric facility under *The Mental Health Act*,
- 1978, c. 37 (vi) a correctional institution under *The Ministry of Correctional Services Act, 1978*,
- R.S.O. 1970, c. 369 (vii) an observation and detention home under *The Provincial Courts Act*, or
- R.S.O. 1970, c. 467 (viii) a training school under *The Training Schools Act*; and
- (b) "resident" means a person who is an inmate, patient, pupil or resident in or is detained or cared for in a facility.

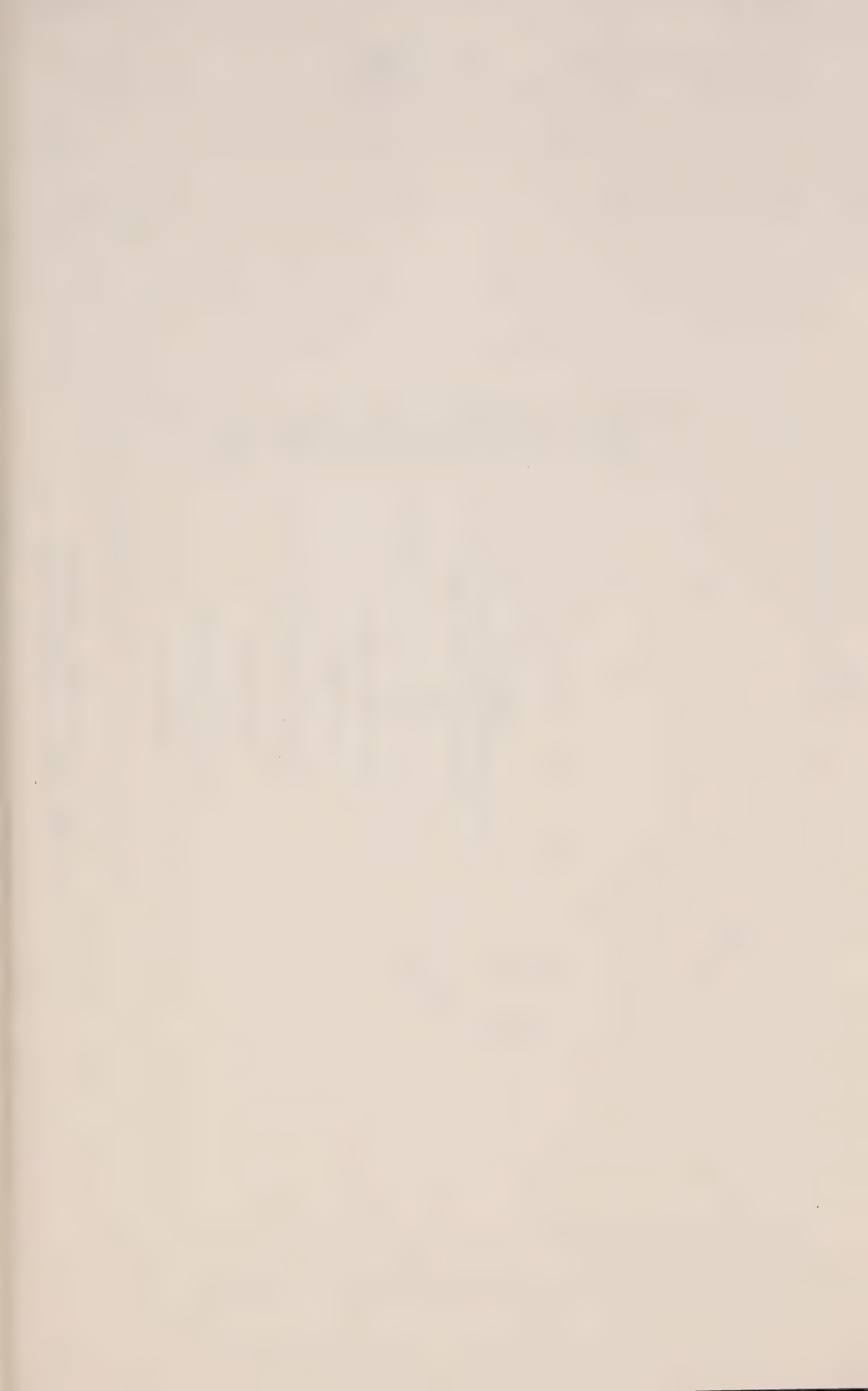
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Crown Employees Collective Bargaining Amendment Act, 1978*.





An Act to amend The Crown Employees
Collective Bargaining Act, 1972

1st Reading

November 9th, 1978

2nd Reading

November 28th, 1978

3rd Reading

November 30th, 1978

THE HON. G. McCAGUE
Chairman of Management Board
of Cabinet

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act respecting Insured Services under
the Ontario Health Insurance Plan**

MR. MARTEL



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to declare that surgical procedures for breast reconstruction are insured services under the Ontario Health Insurance Plan.

BILL 174

1978

An Act respecting Insured Services under the Ontario Health Insurance Plan

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any provision to the contrary in *The Health Insurance Act, 1972* or the regulations made thereunder, the surgical procedures set out in the Schedule below are hereby declared to be medically necessary and constitute insured services for the purposes of the Ontario Health Insurance Plan established by that Act.

Breast
recon-
struction
declared
to be
insured
services
1972, c. 91

SCHEDULE

Breast reconstruction

- breast skin reconstruction by flaps or grafts
- breast mound creation by prosthesis and/or soft tissue
- nipple reconstruction by grafts

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is *The Insured Health Services Act, 1978*.

Short title

An Act respecting Insured Services under
the Ontario Health Insurance Plan

1st Reading

November 14th, 1978

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

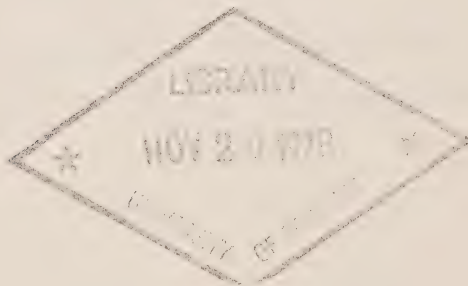
BILL 175

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Highway Traffic Act

MR. SWART



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require that all school buses in Ontario be equipped with seat belts. The Bill contains an amendment to *The Highway Traffic Act* stating that any school bus used for the purpose of transporting children to or from school must be equipped with a seat belt assembly for each passenger seat. The Bill also contains an amendment to clarify that it is a responsibility of the driver of a school bus to ensure that the seat belt for each child is fastened before driving the bus on a highway.

BILL 175

1978

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 63a of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 14, section 1, is amended by inserting after "vehicle" in the first line "including a school bus referred to in section 120". s. 63a (6),
amended
2. Section 120 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 29, 1975, chapter 64, section 1 and 1977, chapter 54, section 14, is further amended by adding thereto the following subsection: s. 120,
amended

(5a) No school bus shall be used to transport children to or from school unless the bus is equipped with a seat belt assembly for each seating position occupied by the driver and passengers. School bus
to be
equipped
with seat
belts
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Highway Traffic Amendment Act, 1978*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

November 14th, 1978

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

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Government
Publications

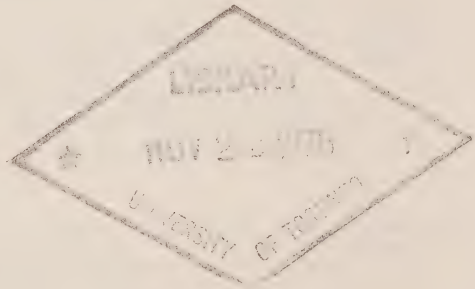
BILL 176

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Labour Relations Act

MR. MACKENZIE



EXPLANATORY NOTE

The purpose of the Bill is to provide the Ontario Labour Relations Board with authority to settle the terms and conditions of a first collective agreement between a trade union and an employer where the dispute settlement procedures in the Act have not been effective. Each collective agreement settled by the Board shall be for a term of between one and two years in duration.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 34e,
enacted

34e.—(1) Where the parties have engaged in bargaining with a view to concluding their first collective agreement and either party is of the opinion that the dispute settlement procedures of the Act have not been effective and are not likely to be effective in enabling the parties to conclude an agreement, the party may apply to the Board to settle the terms and conditions of the first collective agreement and, if the Board considers it advisable, the Board may settle the terms and conditions of the first collective agreement. First
collective
agreement

(2) The terms and conditions of a first collective agreement as determined by the Board shall be deemed to constitute the collective agreement between the parties and are binding upon them except to the extent that the parties agree in writing to vary any or all of those terms and conditions. Terms and
conditions
binding

(3) The collective agreement settled by the Board under this section shall be for a term of from one to two years duration from the date the Board settles the terms and conditions of the collective agreement. Duration of
agreement

2. Subsection 1 of section 53 of the said Act is repealed and the following substituted therefor: s. 53 (1),
re-enacted

(1) Subject to subsection 3, where a trade union has not made a collective agreement within one year after its certification and the Minister has appointed a conciliation officer or a mediator under this Act or a party to collective Application
for certi-
fication or
termination
after
conciliation

bargaining has requested the Board to settle the terms and conditions of a first collective agreement, no application for certification of a bargaining agent of, or for a declaration that a trade union no longer represents, the employees in the bargaining unit determined in the certificate shall be made until,

- (a) thirty days have elapsed after the Minister has released to the parties the report of a conciliation board or mediator; or
- (b) thirty days have elapsed after the Minister has released to the parties a notice that he does not consider it advisable to appoint a conciliation board; or
- (c) six months have elapsed after the Minister has released to the parties a notice of a report of the conciliation officer that the differences between the parties concerning the terms of a collective agreement have been settled; or
- (d) six months have elapsed after the Board has notified the parties of a refusal to settle the terms and conditions of a first collective agreement,

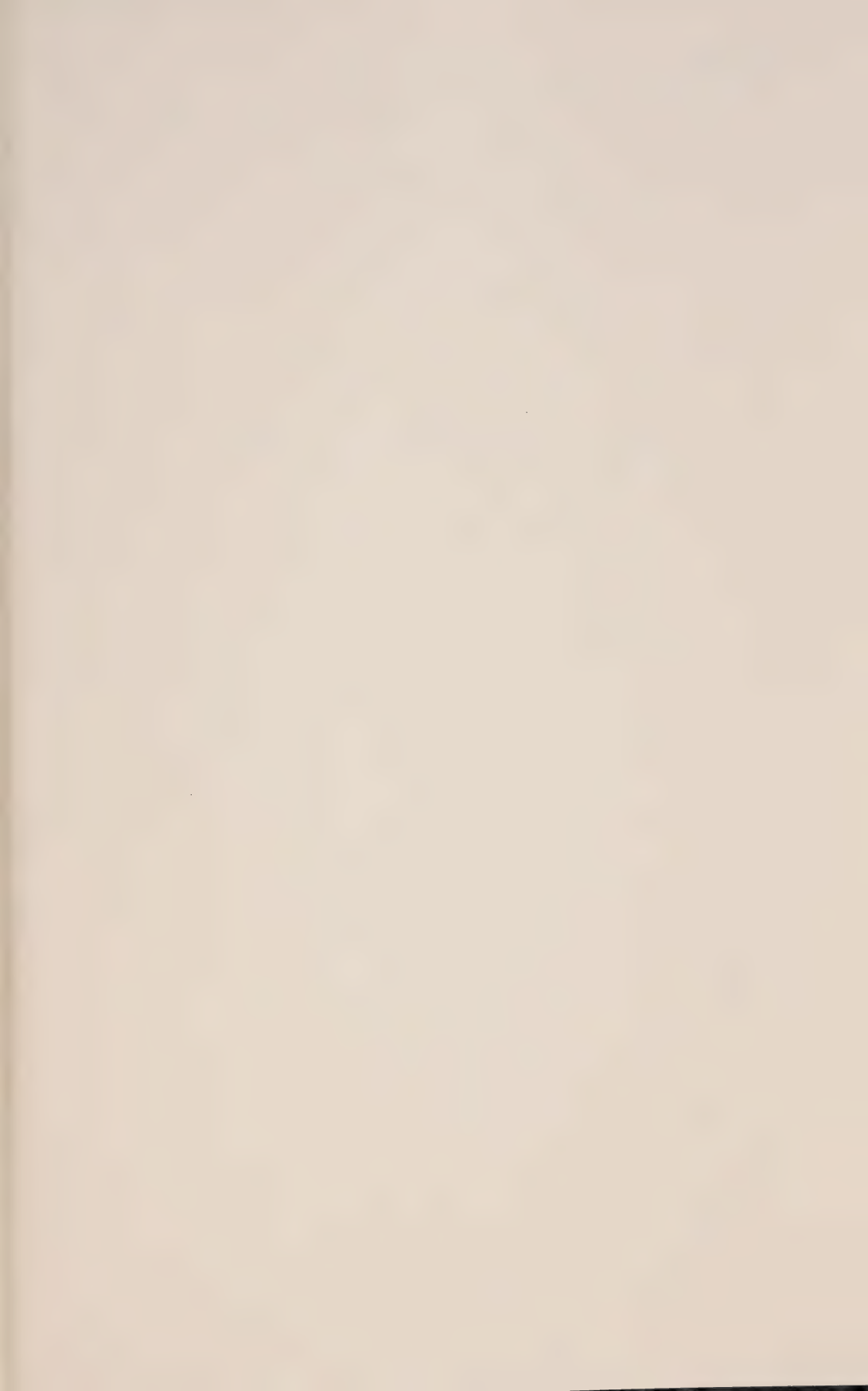
as the case may be.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Labour Relations Amendment Act, 1978*.



An Act to amend
The Labour Relations Act

1st Reading

November 16th, 1978

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

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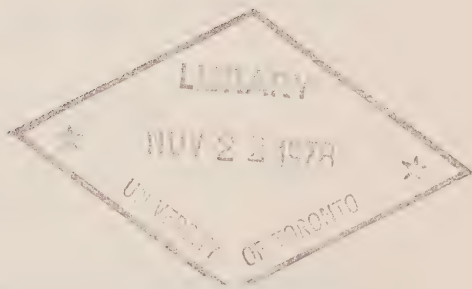
BILL 177

Government
Bills
Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend
The Employment Standards Act, 1974

MR. MACKENZIE



EXPLANATORY NOTES

The purpose of the Bill is to make several changes to *The Employment Standards Act, 1974*.

SECTION 1. The proposed new subsection 1 of section 2 extends the application of the whole Act to the Crown. Currently, Parts IX, X, XI and XII of the Act apply to the Crown.

SECTION 2. The proposed new section 29 increases the vacation period to which an employee is entitled under the Act. Currently, the Act provides a two week vacation period for each employee that does not vary with the amount of employment service.

SECTION 3. The proposed amendment is complementary to section 2 of the Bill. Subsection 1 of section 30 of the Act as it currently reads is set out below with the amended portions underlined.

- (1) *The employer shall determine the period when an employee may take the vacation to which he is entitled under section 29, which may be a two week period or two periods of one week each, but in any case the employer shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given.*

BILL 177

1978

An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Employment Standards Act*, <sup>s. 2 (1),
re-enacted</sup> 1974, being chapter 112, is repealed and the following substituted therefor:

(1) This Act applies to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown. <sup>Application
of Act</sup>

2. Section 29 of the said Act is repealed and the following substituted therefor: <sup>s. 29,
re-enacted</sup>

29.—(1) Every employer shall give to each employee a vacation with pay of at least, ^{Vacations}

- (a) two weeks in each year upon the completion of twelve months of employment;
- (b) three weeks in each year upon the completion of sixty months of employment; and
- (c) four weeks in each year upon the completion of 120 months of employment.

(2) The amount of pay for a vacation shall be not less than an amount equal to 2 per cent of the annual wages of the employee for each week of vacation to which the employee is entitled under subsection 1 and in calculating wages no account shall be taken of any vacation pay previously paid. ^{Idem}

3. Subsection 1 of section 30 of the said Act is repealed and the following substituted therefor: <sup>s. 30 (1),
re-enacted</sup>

When
vacation
to be
taken

(1) The employer shall determine the period when an employee may take the vacation to which he is entitled under section 29, which may be a consecutive period or periods of one week each, but in any case the employee shall be given his vacation not later than six months after the end of the twelve month period for which the vacation was given.

s. 31,
re-enacted

4. Section 31 of the said Act is repealed and the following substituted therefor:

Vacation
pay

31. Where the employment of an employee ceases before the completion of a twelve month period of employment or the employee has not been given a vacation with pay pursuant to section 29, the employer shall pay to the employee an amount equal to 2 per cent of the annual wages of the employee for each week of vacation to which the employee is entitled under section 29, and in calculating wages no account shall be taken of any vacation pay previously paid.

s. 40 (1, 2),
re-enacted

5. Subsections 1 and 2 of section 40 of the said Act are repealed and the following substituted therefor:

Lay-off
deemed
to be
termination

(1) In this Part, an employer shall be deemed to have terminated the employment of an employee when the employee has been laid off from his employment for a period of more than thirteen weeks in any period of more than twenty weeks.

Notice of
termination

(1a) No employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,

(a) four weeks notice in writing to the employee if his period of employment is less than two years;

(b) eight weeks notice in writing to the employee if his period of employment is two years or more but less than five years;

(c) sixteen weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and

(d) twenty-six weeks notice in writing to the employee if his period of employment is ten years or more.

Idem

(2) Notwithstanding subsection 1, no employer shall terminate the employment of fifty or more employees in any

SECTION 4. The proposed amendment is complementary to section 2 of the Bill. Section 31 of the Act as it currently reads is set out below with the amended portions underlined.

31. *Where the employment of an employee ceases before the completion of a twelve month period of employment or the employee has not been given a vacation with pay pursuant to section 29, the employer shall pay to the employee an amount equal to 4 per cent of the wages of the employee in any twelve month period or periods or part thereof and in calculating wages no account shall be taken of any vacation pay previously paid.*

SECTION 5. The proposed amendments to section 40 of the Act extend the time for giving notice where the employment of an employee is about to be terminated. Where fifty or more employees are to be affected by a termination, a notice period of twenty-six weeks is required. The notice periods also apply in cases of extended lay-offs.

period of four weeks or less unless he gives twenty-six weeks notice in writing to each employee and such notice has expired.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. The short title of this Act is *The Employment Standards Amendment Act, 1978*. Short title

An Act to amend
The Employment Standards Act, 1974

1st Reading

November 16th, 1978

2nd Reading

3rd Reading

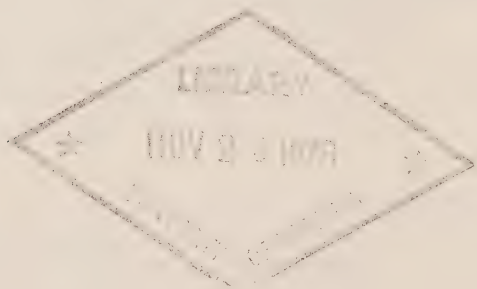
MR. MACKENZIE

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, [ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Employment Standards Act, 1974**

MR. BOUNSALL



EXPLANATORY NOTE

The purpose of the Bill is to require an employer to pay the employer's employees an equal amount for work of equal value. An assessment of the value of work may be made by an employment standards officer. Differentials in pay are permitted but no differential may be based on the sex of the employee.

An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Employment Standards Act, 1974*, being ^{s. 33,} chapter 112, is repealed and the following substituted therefor: ^{re-enacted}

PART IX

EQUAL PAY FOR WORK OF EQUAL VALUE

33.—(1) No employer or person acting on behalf of an employer shall establish or maintain any difference in wages paid to a male and to a female employee employed in the same establishment who are performing work of equal value unless the difference is based on seniority, merit, quantity of production or some other factor other than sex. ^{Equal pay for work of equal value}

(2) An employment standards officer may assess the value of work performed for the purposes of subsection 1 and, where the officer finds that an employer has failed to comply with subsection 1, the officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages. ^{Determination by employment standards officer}

(3) In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed. ^{Assessment of value of work}

(4) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1. ^{Pay not to be reduced}

(5) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree ^{Employer not to be requested to contravene subs. 1}

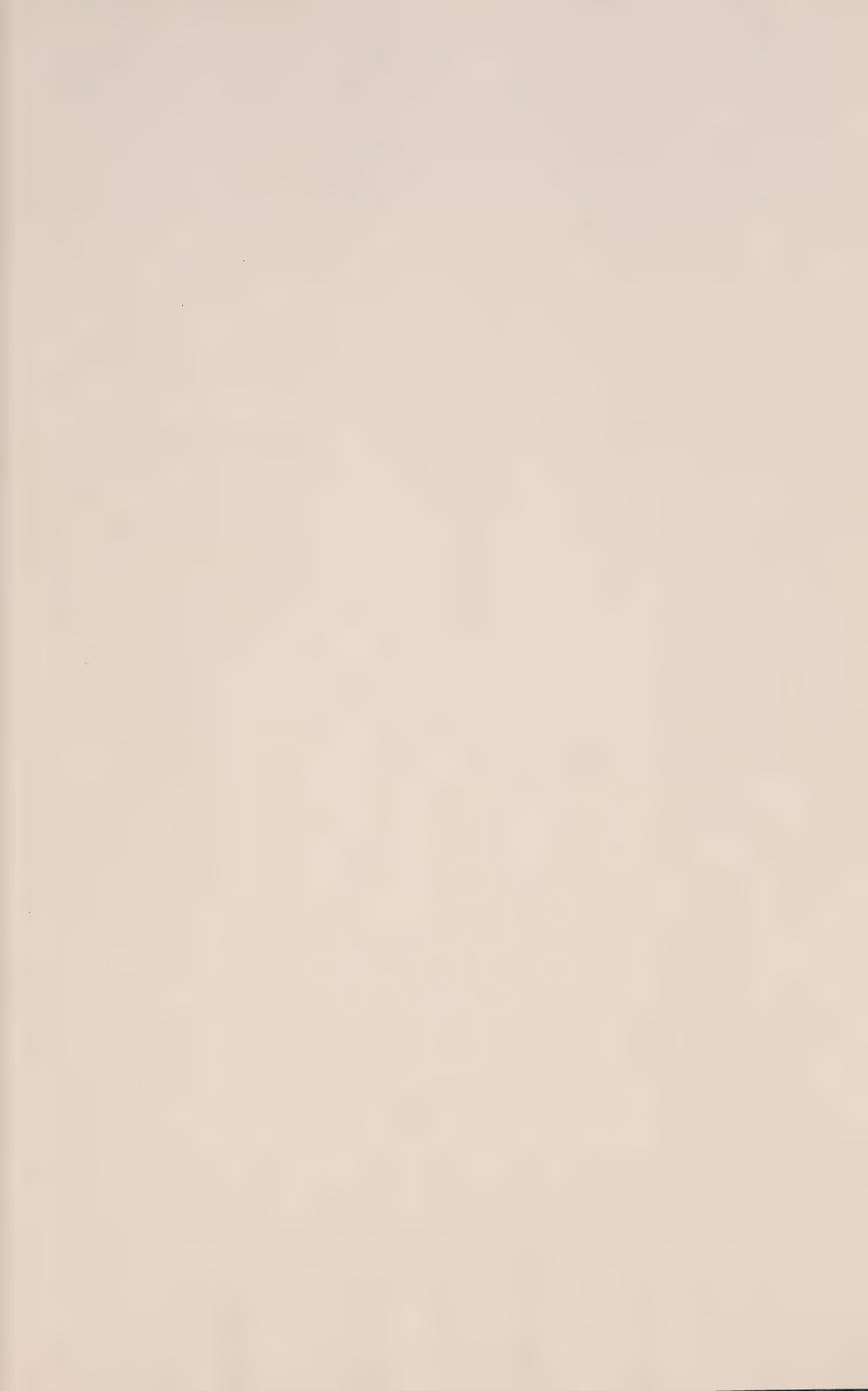
to or to pay to his employees wages that are in contravention of subsection 1.

Commence-
ment

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is *The Employment Standards Amendment Act, 1978*.



An Act to amend
The Employment Standards Act, 1974

1st Reading

November 16th, 1978

2nd Reading

3rd Reading

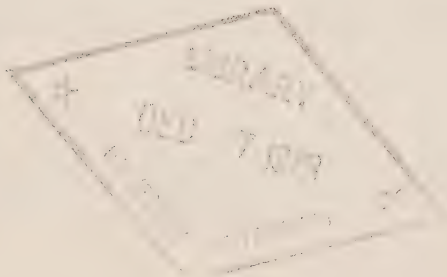
MR. BOUNSALL

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Ministry of Natural Resources Act, 1972**

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy



EXPLANATORY NOTES

Section 6 of the Act deals with delegation of the powers and duties of the Minister and with the enforcement of contracts and title documents. The section is re-enacted to permit delegation of any statutory power or duty by the Minister.

Section 5 of *The Executive Council Act*, referred to in the re-enacted section, is as follows:

5. *No deed or contract in respect of any matter under the control or direction of a minister is binding on Her Majesty or shall be deemed to be the act of such minister unless it is signed by him or is approved by the Lieutenant Governor in Council.*

New section 6a codifies the authority of the Minister to enter into a contract in respect of any matter under his administration under any Act.

New section 6b provides for the use of facsimiles of the signatures of the Minister and the Deputy Minister.

BILL 179

1978

An Act to amend The Ministry of Natural Resources Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ministry of Natural Resources Act, 1972*,^{s. 6, re-enacted} being chapter 4, is repealed and the following substituted therefor:

6.—(1) The Minister may authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act.^{Delegation of powers and duties}

(2) The Minister may limit an authorization made under subsection 1 in such manner as he considers advisable.^{Limitations}

(3) Section 5 of *The Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection 1.^{Application of R.S.O. 1970, c. 153, s. 5}

6a. The Minister may enter into a contract in respect of any matter that is under his administration under this or any other Act.^{Contracts}

6b.—(1) The Minister may authorize the use of a facsimile of his signature and the Deputy Minister may authorize the use of a facsimile of his signature on any document except an affidavit or a statutory declaration.^{Facsimile signatures}

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection 1 shall be deemed to be the signature of the Minister or the Deputy Minister, as the case requires.^{Idem}

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Ministry of Natural Resources Amendment Act, 1978*.

An Act to amend
The Ministry of Natural Resources
Act, 1972

1st Reading

November 21st, 1978

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

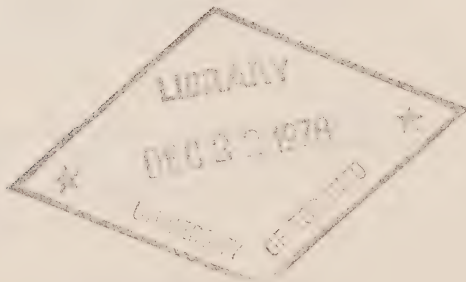
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3
F
BILL 179

50
2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend
The Ministry of Natural Resources Act, 1972

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy



BILL 179

1978

An Act to amend The Ministry of Natural Resources Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ministry of Natural Resources Act, 1972*, ^{s. 6, re-enacted} being chapter 4, is repealed and the following substituted therefor:

6.—(1) The Minister may authorize the Deputy Minister or any other officer or employee in the Ministry to exercise ^{Delegation of powers and duties} any power or perform any duty that is granted to or vested in the Minister under this or any other Act.

(2) The Minister may limit an authorization made under ^{Limitations} subsection 1 in such manner as he considers advisable.

(3) Section 5 of *The Executive Council Act* does not apply ^{Application of R.S.O. 1970, c. 153, s. 5} to a deed or contract that is executed under an authorization made under subsection 1.

6a. The Minister may enter into a contract in respect of ^{Contracts} any matter that is under his administration under this or any other Act.

6b.—(1) The Minister may authorize the use of a facsimile ^{Facsimile signatures} of his signature and the Deputy Minister may authorize the use of a facsimile of his signature on any document except an affidavit or a statutory declaration.

(2) A facsimile of the signature of the Minister or the Deputy Minister affixed to a document under an authorization made under subsection 1 shall be deemed to be the signature of the Minister or the Deputy Minister, as the case requires. ^{Idem}

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Ministry of Natural Resources Amendment Act, 1978*.

An Act to amend
The Ministry of Natural Resources
Act, 1972

1st Reading

November 21st, 1978

2nd Reading

December 4th, 1978

3rd Reading

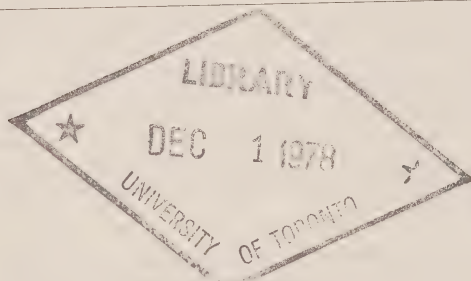
December 4th, 1978

THE HON. J. A. C. AUDD
Minister of Natural Resources and
Minister of Energy

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to provide for Municipal Hydro-Electric Service in
The Regional Municipality of Niagara

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy



EXPLANATORY NOTES

The Bill establishes new hydro-electric commissions for the municipalities of Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Welland and West Lincoln.

A transitional period is provided before the new commissions become fully operational.

The members of each commission will be the mayor of the area municipality and additional members qualified as municipal electors in the municipality.

The council of each area municipality will determine whether after November 30th, 1980, the members of its commission should be elected or appointed.

Customers in the Town of Grimsby and the cities of Niagara Falls, Port Colborne, St. Catharines, Thorold and Welland will be supplied with power by the new commissions.

Customers in the towns of Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln now supplied with power by municipal commissions will be supplied by the new commissions. Customers in each of these area municipalities now supplied by Ontario Hydro will continue to be supplied by Ontario Hydro until the council of the area municipality, with the consent of Ontario Hydro, directs the new commission to supply power in all areas of the municipality. In the interim, the councils are required to review the distribution and supply of power at least once in every three years.

Customers in Wainfleet will continue to be served by Ontario Hydro until the council of the Township of Wainfleet establishes a hydro-electric commission for the township. Until the commission is established, the council is required to review the distribution and supply of power in the township at least once in every three years.

Customers in Fort Erie will be served by the Canadian Niagara Power Company Limited under the terms of the present franchise.

Provision is made for the transfer of employees and the protection of their salaries and benefits.

BILL 180

1978

An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of Niagara

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" has the same meaning as in *The Regional Municipality of Niagara Act*; R.S.O. 1970,
c. 406
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Niagara Act* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; R.S.O. 1970,
c. 390
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act;

(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions
established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the towns of Grimsby and Lincoln, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the City of Welland and the Township of West Lincoln is hereby established.

Application of
R.S.O. 1970,
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Grimsby Hydro-Electric Commission.
2. Lincoln Hydro-Electric Commission.
3. Niagara Falls Hydro-Electric Commission.
4. Niagara-on-the-Lake Hydro-Electric Commission.
5. Pelham Hydro-Electric Commission.
6. Port Colborne Hydro-Electric Commission.
7. St. Catharines Hydro-Electric Commission.
8. Thorold Hydro-Electric Commission.
9. Welland Hydro-Electric Commission.
10. West Lincoln Hydro-Electric Commission.

Composition

(4) The following commissions established by subsection 1 shall each consist of the mayor of the area municipality in respect of which the commission is established and four

additional members who are qualified electors under *The 1977, c. 62
Municipal Elections Act, 1977* in the area municipality:

1. Grimsby Hydro-Electric Commission.
2. Niagara Falls Hydro-Electric Commission.
3. Niagara-on-the-Lake Hydro-Electric Commission.
4. Port Colborne Hydro-Electric Commission.
5. St. Catharines Hydro-Electric Commission.
6. Thorold Hydro-Electric Commission.
7. Welland Hydro-Electric Commission.

(5) The following commissions established by subsection 1 ^{Idem} shall each consist of the mayor of the area municipality in respect of which the commission is established and two additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality:

1. Lincoln Hydro-Electric Commission.
2. Pelham Hydro-Electric Commission.
3. West Lincoln Hydro-Electric Commission.

(6) For the term expiring with the 30th day of November, 1980, the council of each area municipality served by a ^{Additional members of first commissions} commission established by subsection 1 shall appoint the additional members of the commission.

(7) At least two of the additional members appointed under ^{Idem} subsection 6 to each commission mentioned in subsection 4 and at least one of the additional members appointed to each commission mentioned in subsection 5 shall be appointed from among the members of the municipal commission or the municipal commissions, as the case may be, that supplied power immediately before the coming into force of this Act in the area municipality in respect of which the commission is established by subsection 1.

(8) At least one of the additional members appointed by ^{Idem} the council of each area municipality under subsection 6 shall be a person who resides outside the part of the area municipality supplied with power by a municipal commission immediately before the coming into force of this Act.

(9) At least one of the additional members of the Niagara ^{Idem, Niagara Falls} Falls Hydro-Electric Commission appointed under subsection

6 shall be appointed from among the members of The Hydro-Electric Commission of the Village of Chippawa.

Additional
members of
subsequent
commissions

(10) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980, the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Eligibility
of members
of council

(11) Members of the council of the area municipality served by a commission established by subsection 1 appointed as members of the commission shall not form a majority of the commission.

Term of
office

(12) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(13) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary
of first
commissions

(14) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980, shall be fixed on or before the 1st day of July, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Niagara Act* on the 1st day of January, 1979.

R.S.O. 1970,
c. 406

Resignation

(15) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

When area
municipality
may deter-
mine size of
commission

(16) For terms commencing after the 30th day of November, 1980, the council of an area municipality may determine by by-law whether the number of additional members of the commission established by subsection 1 in respect of the area municipality shall be two or four.

Establish-
ment of
Wainfleet
commission
by by-law

3.—(1) The council of the Township of Wainfleet may, with the consent of Ontario Hydro, establish by by-law a hydro-electric commission for the Township of Wainfleet.

(2) The commission established under subsection 1, Name, etc.

(a) shall be known as the Wainfleet Hydro-Electric Commission;

(b) shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*; and R.S.O. 1970, cc. 390, 354

(c) shall consist of the mayor of the Township of Wainfleet and four additional members who are qualified electors under *The Municipal Elections Act, 1977* 1977, c. 62 in the Township of Wainfleet.

(3) The council of the Township of Wainfleet shall appoint the first additional members of the commission established under subsection 1. First additional members

(4) Upon the establishment of the commission under subsection 1, Application of other sections of Act

(a) subsections 11, 12, 13 and 15 of section 2, subsections 5, 6 and 10 of section 4 and sections 5, 6 and 9 shall apply with necessary modifications;

(b) subsections 10 and 16 of section 2, subsections 1, 2, 7 and 12 to 16 of section 4 and section 7 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection 1; and

(c) the commission, for the purposes of clauses *a* and *b*, shall be deemed to be a commission established by section 2.

(5) Until such time as the power conferred by subsection 1 has been exercised, Review of distribution and supply of power

(a) the council of the Township of Wainfleet shall review the distribution and supply of power within the Township of Wainfleet at least once in every three years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 1; and

(b) where the council determines as provided in clause *a* that it is financially feasible, the council shall exercise the power conferred by subsection 1.

Powers of
commissions
R.S.O. 1970,
c. 390

4.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of July, 1979, be exercised on behalf of each area municipality mentioned in subsection 1 of section 2 by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Idem

R.S.O. 1970,
c. 354

(2) Subject to subsections 3 and 6 and to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act* or for the supply of power at 25 hertz, on and after the 1st day of July, 1979, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established, and may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Where
Ontario
Hydro to
continue to
supply power

(3) Subject to subsections 13 and 14, Ontario Hydro shall continue to distribute and supply power in those areas of the towns of Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln that Ontario Hydro served immediately before the coming into force of this Act and subsections 10 and 12 and section 7 do not apply in respect of the assets and employees of Ontario Hydro in those municipalities.

Fort Erie

(4) The Canadian Niagara Power Company Limited has the sole right to distribute and supply power within the Town of Fort Erie on the same terms and conditions and for the same period of time as under the franchise granted by by-law number 785 passed by the council of the Town of Fort Erie on the 18th day of March, 1935.

Application of
R.S.O. 1970,
c. 354

(5) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2.

Direct
customers

(6) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers within the area municipality in respect of which the commission is established.

(7) On the 1st day of July, 1979, all assets under the control and management of and all liabilities of municipal commissions are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the municipality. Transfer of assets and liabilities

(8) Notwithstanding subsection 7, on or before the 1st day of July, 1979, the Niagara Falls Hydro-Electric Commission established by section 2 shall purchase from the Canadian Niagara Power Company Limited the assets pertaining to the distribution and supply of power other than at 25 hertz in that portion of the City of Niagara Falls supplied with power by the Canadian Niagara Power Company Limited immediately before the coming into force of this Act, and the purchase price shall be determined by agreement between them. Compensation by Niagara Falls Hydro-Electric Commission

(9) Such management and control of works for the distribution and supply of power within the area municipalities mentioned in subsection 1 of section 2 as are exercised by municipal commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them to and including the 30th day of June, 1979, but any of the assets, powers and responsibilities of the commissions and Ontario Hydro pertaining to the distribution and supply of power in any of the area municipalities may by agreement be transferred before that date to a commission established by section 2 in respect of the area municipality. Transitional

(10) Except as may be agreed by a commission established by section 2 and Ontario Hydro for the purposes of subsection 6 or otherwise, on or before the 1st day of July, 1979, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, the assets and liabilities of Ontario Hydro pertaining to the distribution and supply of power at retail within the area municipality, including equipment leased by Ontario Hydro to retail customers within the area municipality for the use of such power and the purchase price shall be determined in accordance with the regulations, and shall be equal to the original cost of the assets less the sum of, Purchase of retail distribution facilities

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

(11) On or before the 1st day of July, 1979, the Canadian Niagara Power Company Limited shall purchase the assets Idem

and liabilities of Ontario Hydro pertaining to the retail distribution of power within the Town of Fort Erie, including equipment leased by Ontario Hydro to retail customers within the Town of Fort Erie, and the purchase price shall be determined by agreement between them.

Where price
to be
determined by
arbitration

(12) If the purchase price under subsection 8, 10 or 11 is not determined before the 1st day of July, 1980, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where parties
unable to
agree on
single
arbitrator

(13) Where a request is made under subsection 12 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration
board

(14) Where a request is made under subsection 12 or 13 that the purchase price be determined by a board of arbitration,

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

Application of
R.S.O. 1970,
c. 25

(15) Except as otherwise provided in this subsection, *The Arbitrations Act* applies to subsections 12, 13 and 14.

Interpre-
tation

(16) In subsections 12, 13 and 14, "parties" means,

- (a) in respect of subsection 8, Canadian Niagara Power Company Limited and Niagara Falls Hydro-Electric Commission;
- (b) in respect of subsection 10, Ontario Hydro and, in each case, the commission established by section 2; and
- (c) in respect of subsection 11, Canadian Niagara Power Company Limited and Ontario Hydro.

(17) The council of each of the towns of Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

Supply of power in all areas of municipalities of Lincoln, Niagara-on-the-Lake, Pelham, West Lincoln

- (a) may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day subsections 10 and 12 to 16 and section 7 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or

- (b) may dissolve the commission established by section 2 in respect of the municipality on a day specified by the by-law and on the specified day,

- (i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

- (ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

(18) Until such time as the power conferred by sub-section 17 has been exercised,

Review of distribution and supply of power

- (a) the council of each of the towns of Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 17; and

- (b) where the council of the town of Lincoln, Niagara-on-the-Lake or Pelham or the Township of West Lincoln determines as provided in clause *a* that it is financially feasible for the commission established under section 2 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection 17.

Vesting
of real
property

5.—(1) All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the area municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

6. Except as otherwise provided in this Act, sections 131 to 152 of *The Regional Municipality of Niagara Act* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Borrowing
R.S.O. 1970,
c. 406

7.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 30th day of June, 1979, each municipal commission that supplied power in an area municipality mentioned in subsection 1 of section 2 immediately before the coming into force of this Act and Ontario Hydro shall designate those of its full-time employees who were employed in the distribution and supply of power in an area municipality mentioned in subsection 1 of section 2 on the 1st day of July, 1978, and who continued such employment until the 30th day of June, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Transfer of
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or
salaries

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

Participation
in O.M.E.R.S.

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the

R.S.O. 1970,
c. 324

Supplemen-
tary
agreements

commission had been a party to the agreement in the place of the municipal commission.

Transfer
of pension
credits from
Ontario
Hydro Plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees' Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 30th day of June, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees

of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits. ^{Sick leave}

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2. ^{Life insurance provided to pensioners}

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. ^{Termination for cause}

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. ^{Special circumstances}

8. For the purposes of section 174 of *The Regional Municipality of Niagara Act*, the 1st day of July, 1979 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Niagara Act*, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. ^{Dissolution of existing commissions R.S.O. 1970, c. 406}

9. The Lieutenant Governor in Council may make regulations, ^{Regulations}

(a) for the purpose of subsection 10 of section 4 in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
 - (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is *The Niagara Municipal Hydro-Electric Service Act, 1978*.

An Act to provide for
Municipal Hydro-Electric Service in
The Regional Municipality of Niagara

1st Reading

November 21st, 1978

2nd Reading

3rd Reading

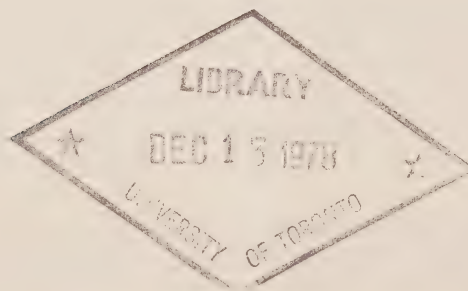
THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to provide for the Employment of Disabled Persons

MR. DI SANTO



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide employment opportunities for disabled persons. The Bill requires that employers hire disabled persons to constitute at least 3 per cent of the employer's work force. The Bill permits the Minister to vary this percentage requirement in cases where the Minister considers another quota to be more suitable. In addition, the Minister may exempt an employer or class of employers from the operation of the statute. The Bill establishes a register of employable disabled persons to be maintained by the Ministry for the purpose of facilitating efforts by employers to meet the quota established by this Bill.

BILL 181

1978

An Act to provide for the Employment of Disabled Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “disabled person” means any person suffering from a serious and prolonged physical disability;
- (b) “Minister” means the Minister of Labour;
- (c) “Ministry” means the Ministry of Labour;
- (d) “register” means the register of disabled persons established under section 4.

2.—(1) Every employer shall ensure that at any point in time the number of disabled persons who are employees of the employer is at least 3 per cent of the total number of employees of the employer.

Employment
of disabled
persons

(2) Notwithstanding subsection 1, the Minister may, by order, establish a quota for an employer or class of employers that is greater or less than the quota established under subsection 1 where the Minister is of the opinion that the quota established under subsection 1 is not suitable to that employer or class of employers.

Minister
may set
quota

3.—(1) No employer shall hire any person other than a disabled person if the number of disabled persons employed by the employer is less than the employer’s quota established under section 2.

Prohibition

(2) Subsection 1 does not apply to an employer who hires a person,

Exception

- (a) as a result of an agreement to reinstate the person entered into before the day on which this Act comes into force;
- (b) in accordance with an order or permit issued by the Minister under section 5.

Register

4.—(1) The Ministry shall establish and maintain a register of disabled persons for the purpose of facilitating the hiring by employers of disabled persons and the register shall record the name, address, qualifications, skills and the nature of the disability of each person registered therein.

Disabled person entitled to be registered

(2) Upon application, a person is entitled to be registered by the Ministry as a disabled person for the purposes of this Act if,

- (a) the person suffers from a physical disability that harms the person's prospects in obtaining employment; and
- (b) the person is capable of performing work in one or more work situations without causing danger to other employees.

Exemption order

5. Upon application, the Minister may, by order,

- (a) exempt an employer or class of employers from the operation of this Act;
- (b) permit an employer to hire one or more persons who are not disabled persons for purposes set forth in the order.

Offence

6.—(1) Every employer who contravenes this Act is guilty of an offence and on summary conviction is liable,

- (a) if an individual, to a fine of not more than \$1,000; or
- (b) if a corporation, to a fine of not more than \$10,000.

Opportunity to comply

(2) No prosecution against an employer shall be instituted under this Act unless the employer is notified of the intent to bring a prosecution and afforded a reasonable opportunity to show or achieve compliance with this Act.

Regulations

7. The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional types of information to be recorded in respect of each disabled person registered in the register;
- (b) governing the types of information to be supplied to the Ministry by each disabled person registered in the register;
- (c) governing records to be kept and reports to be provided by each employer concerning the disabled persons employed by the employer.

8. This Act comes into force on a day to be named by ^{Commence-}proclamation of the Lieutenant Governor. ^{ment}

9. The short title of this Act is *The Disabled Persons* ^{Short title}
Employment Act, 1978.

An Act to provide for the
Employment of Disabled Persons

1st Reading

November 21st, 1978

2nd Reading

3rd Reading

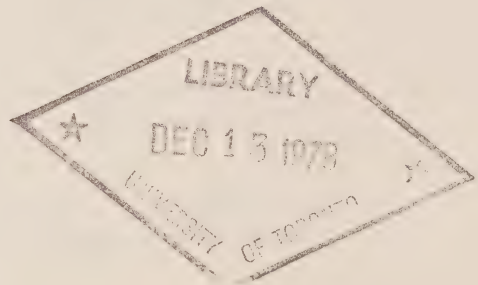
MR. DI SANTO

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Labour Relations Act

MR. MACKENZIE



EXPLANATORY NOTE

The purpose of the Bill is to clarify the status of an employer before the Ontario Labour Relations Board on an application for certification by a trade union. The employer is permitted to present evidence and make submissions concerning several matters listed in the Bill. The employer is not permitted to present evidence or make submissions related to any other matter.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 9a,
enacted

9a. Upon an application for certification, an employer or employers' organization may present evidence and make submissions to the Board with respect to, Employers'
evidence in
certification
proceeding

- (a) the jurisdiction of the Board;
- (b) the appropriateness of the bargaining unit;
- (c) the status of employees of the employer, including whether or not a person is an employee, a dependant contractor or a security guard; and
- (d) the conduct of the employer, where another party made an allegation concerning the conduct of the employer,

but the Board shall not receive evidence or hear submissions from the employer or employers' organization with respect to any other matter.

2. Subsection 12 of section 91 of the said Act is amended by inserting after "but" in the second line "subject to section 9a". s. 91 (12),
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Labour Relations Amendment Act, 1978*. Short title

An Act to amend
The Labour Relations Act

1st Reading

November 21st, 1978

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

12-20
XB
-BSG

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Labour Relations Act

MR. MACKENZIE



EXPLANATORY NOTE

The purpose of the Bill is to clarify the status of an employer before the Ontario Labour Relations Board on an application for certification by a trade union. The employer is permitted to present evidence and make submissions concerning several matters listed in the Bill. The employer is not permitted to present evidence or make submissions related to any other matter.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 9a, enacted}

9a. Upon an application for certification, an employer or employers' organization may present evidence and make submissions to the Board with respect to, ^{Employers' evidence in certification proceeding}

- (a) the jurisdiction of the Board;
- (b) the appropriateness of the bargaining unit;
- (c) the status of employees of the employer, including whether or not a person is an employee, a dependant contractor or a security guard; and
- (d) the conduct of the employer, where another party made an allegation concerning the conduct of the employer,

but the Board shall not receive evidence or hear submissions from the employer or employers' organization with respect to any other matter.

2. Subsection 12 of section 91 of the said Act is amended by ^{s. 91 (12), amended} inserting after "but" in the second line "subject to section 9a".
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
4. The short title of this Act is *The Labour Relations Amendment Act, 1978*. ^{Short title}

An Act to amend
The Labour Relations Act

1st Reading

November 21st, 1978

2nd Reading

3rd Reading

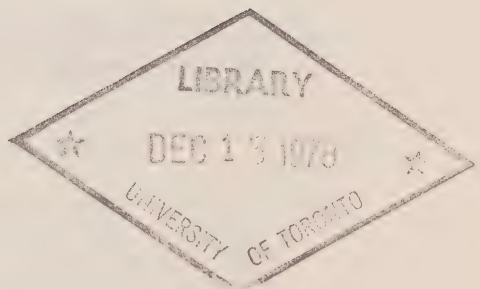
MR. MACKENZIE

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Planning Act

THE HON. C. BENNETT
Minister of Housing



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Subsections 1 and 2 of section 19 of the Act read as follows:

- 19.—(1) *Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith.*
- (2) *Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required.*

The new subsection 2a permits a municipality to take the preliminary steps indicated where it contemplates undertaking a public work that would not conform with an official plan; note that the work may not be actually undertaken however unless and until the official plan is amended accordingly.

SECTION 2.—Subsection 1. The new subsection 4b provides that once a consent has been given to the conveyance of a parcel of land the same parcel may subsequently be conveyed without the necessity of a further consent.

Subsection 4c, however, permits a municipal council to by by-law designate particular conveyances made prior to the 30th day of June, 1979, to which subsection 4b does not apply; that is, further conveyances of these lands would require consent, if the grantor owned abutting lands.

BILL 183

1978

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2a) Notwithstanding subsections 1 and 2, the council of a municipality, including a metropolitan, regional or district municipality, may take into consideration the undertaking of a public work that does not conform with an official plan that is in effect, and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

s. 19, amended
Preliminary steps that may be taken where proposed public work would not conform with official plan

- 2.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4 and 1976, chapter 38, section 2, is further amended by adding thereto the following subsections:

(4b) Where a parcel of land is hereafter or has heretofore been conveyed by way of a deed or transfer with a consent given under this section or a predecessor thereof, subsections 2 and 4 do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land.

Exception

(4c) The council of a municipality may by by-law provide that subsection 4b does not apply to such conveyances made before the 30th day of June, 1979, as are designated in the by-law.

Non-application of subs. 4b

s. 29,
amended

- (2) The said section 29 is further amended by adding thereto the following subsection:

Effect of con-
travention of
s. 29, etc.,
before plan
registered,
etc.

R.S.O. 1970,
c. 77

(4d) Where land is within a registered plan of subdivision or within a registered description under *The Condominium Act* or where land is conveyed with a consent given under this section or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause *b* of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in the land, provided this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which this section comes into force.

s. 29,
amended

- (3) The said section 29 is further amended by adding thereto the following subsection:

Release of
interest by
joint tenant
or tenant in
common

(5f) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections 2 and 4, to convey such land by way of deed or transfer and to retain the fee in the abutting land.

s. 29 (9, 11),
re-enacted

- (4) Subsections 9 and 11 of the said section 29 are repealed and the following substituted therefor:

When by-law
effective

(9) A by-law passed under subsection 3 or 4c is not effective until the requirements of subsection 10 have been complied with.

Notice

(11) No notice or hearing is required prior to the passing of a by-law under subsection 3 or 4c, but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Subsection 2. The new subsection 4*d* provides that where land is within a registered plan of subdivision or within a registered description under *The Condominium Act* or has been conveyed with a consent, then any conveyance prior to the registration or prior to the consent, is, notwithstanding any contravention of section 29, validated.

Subsection 3. The new subsection 5*f* will prohibit dealings in land of the type described without a consent.

Subsection 4. Subsection 9, as re-enacted, includes a reference to a by-law passed under subsection 4*c*; subsection 10 that is referred to requires the clerk of the municipality to register any such by-law in the proper land registry office.

The re-enactment of subsection 11 makes it clear that a municipal council may pass a by-law under subsection 3 (deeming a registered plan to be not a registered plan) or under the new subsection 4*c*, without affording affected parties a hearing; notice of the passing of the by-law is, however, to be given to such persons, and the new subsection 11*a* entitles any such person to a hearing before the council at which representations may be made for the amendment or repeal of the by-law.

SECTION 3. Clause *b* of subsection 5*a* of section 32 of the Act requires the Minister to register in the proper land registry office a copy of a zoning order made by him where the land affected is situate in territory without municipal organization; as re-enacted, the clause will require the Minister to lodge a copy of the order in the land registry office. This will correspond to the existing subsection 2 of section 16 of the Act relating to official plans. The effect is that the order need not be registered against every individual parcel of land that may be affected by the order.

SECTION 4.—Subsection 1. Subsection 9 of section 33 of the Act reads as follows:

- (9) *Land conveyed to a municipality under subsection 5 shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister.*

The land referred to is the 5 per cent park conveyance that may be required as a condition to the approval of a plan of subdivision. The re-enactment removes the requirement of the Minister's approval to a sale of such lands when the sale is made within five years of the registration of the plan.

Subsection 2. Subsection 11 of section 33 of the Act specifies the uses to which moneys received for park purposes or the proceeds of the sale of such lands may be put. As re-enacted, the necessity of obtaining the Minister's approval for certain purposes is removed and the uses permitted are more clearly set out. The subsection as it now reads is set out below:

- (11) *All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park purposes or, with the approval of the Minister, for the acquisition of land to be used for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.*

(11a) The council shall hear in person or by his agent ^{Hearing by council} any person to whom a notice was sent under subsection 11, who within fifteen days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.

3. Clause *b* of subsection 5a of section 32 of the said Act, as ^{s. 32 (5a) (b), re-enacted} enacted by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor:

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

- 4.—(1) Subsection 9 of section 33 of the said Act, as re-enacted ^{s. 33 (9), re-enacted} by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor:

(9) Land conveyed to a municipality under subsection 5 ^{Use and sale of land} shall be used for park or other public recreational purposes but may be sold at any time.

- (2) Subsection 11 of the said section 33, as amended by the ^{s. 33 (11), re-enacted} Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor:

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of ^{Special account} land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, for the development or improvement of lands used or to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the ^{R.S.O. 1970, c. 470} earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

s. 35 (26),
re-enacted

- 5.—(1) Subsection 26 of section 35 of the said Act is repealed and the following substituted therefor:

Where notice
of objection
filed

(26) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect without the approval of the Municipal Board.

s. 35 (28),
re-enacted

- (2) Subsection 28 of the said section 35 is repealed and the following substituted therefor:

Approved
by-law
deemed to
conform with
official plan

(28) Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection 25 shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality.

s. 43,
re-enacted

6. Section 43 of the said Act is repealed and the following substituted therefor:

Right to
restrain

43. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 19 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 32 may be restrained by action at the instance of the Minister or the planning board of the planning area in which the contravention took place or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality.

s. 44b (2),
re-enacted

7. Subsection 2 of section 44b of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 38, section 4, is repealed and the following substituted therefor:

Delegation
of Minister's
powers
R.S.O. 1970,
cc. 77, 284,
409, 234

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act, under section 24 of *The Condominium Act*, under subsection 8 of section 443 and subsection 2 of section 450 of *The Municipal Act*, under subsection 4 of section 86 of *The Registry Act* and under section 163 of *The Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the

SECTION 5. Subsections 24 to 28 of section 35 of the Act provide a procedure whereby a zoning by-law may come into effect without the approval of the Municipal Board where no person objects. The re-enactment of subsection 28 will deem such by-laws to conform with the municipality's official plan as is now the case where a zoning by-law is approved by the Board. Set out below is subsection 28 as proposed to be re-enacted showing underlined the words to be added:

- (28) *Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection 25 shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality.*

The re-enactment of subsection 26 brings its wording into conformity with subsection 9. Set out below is subsection 26 as it now reads showing underlined the words to be changed by the re-enactment:

- (26) *Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect until approved by the Municipal Board.*

SECTION 6. The effect of the re-enactment is to empower the planning board of the planning area in which a contravention of a Minister's order under section 32 took place to bring an action to restrain the contravention; as the section now reads only the Minister or a municipality or a ratepayer of the municipality may bring such an action.

SECTION 7. The re-enactment adds a reference to section 163 of *The Land Titles Act* to make it clear that the authority of the Minister under that section may be delegated to a council. That authority is to consent to an order of a judge amending a plan of subdivision that was registered after March 27th, 1946.

powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

- 8.—(1) This Act, except subsections 1 and 3 of section 2, comes ^{Commence-} into force on the day it receives Royal Assent.
ment
- (2) Subsection 3 of section 2 shall be deemed to have come ^{Idem} into force on the 23rd day of November, 1978.
- (3) Subsection 1 of section 2 comes into force on the 1st day ^{Idem} of June, 1979.
9. The short title of this Act is *The Planning Amendment Act*, ^{Short title} 1978.

An Act to amend
The Planning Act

1st Reading

November 23rd, 1978

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Housing

(Government Bill)

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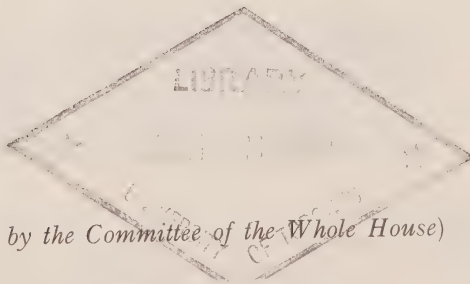
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BILL 183

Publications
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Planning Act

THE HON. C. BENNETT
Minister of Housing



(Reprinted as amended by the Committee of the Whole House)

TORONTO
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
EXPLANATORY NOTES

SECTION 1. Subsections 1 and 2 of section 19 of the Act read as follows:

- 19.—(1) *Notwithstanding any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections 2 and 3, no by-law shall be passed for any purpose that does not conform therewith.*
- (2) *Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and such by-law shall be deemed to be valid and to have come into force on the day it was passed if the Minister approves the amendment to the official plan and if the Municipal Board subsequently approves the by-law, where such approval of the by-law is required.*

The new subsection 2a permits a municipality to take the preliminary steps indicated where it contemplates undertaking a public work that would not conform with an official plan; note that the work may not be actually undertaken however unless and until the official plan is amended accordingly.

SECTION 2.—Subsection 1. The new subsection 4b provides that once a consent has been given to the conveyance of a parcel of land the same parcel may subsequently be conveyed without the necessity of a further consent, unless the committee or the Minister stipulates in granting the consent either that subsection 2 (subdivision control) or 4 (part-lot control) shall apply.

 Subsection 4c, specifies that unless a stipulation in accordance with subsection 4b is mentioned in the certificate in the case of a committee or the consent itself in the case of the Minister, the consent shall be deemed to have been granted without the stipulation. 

An Act to amend The Planning Act


HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2a) Notwithstanding subsections 1 and 2, the council of a municipality, including a metropolitan, regional or district municipality, may take into consideration the undertaking of a public work that does not conform with an official plan that is in effect, and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

s. 19, amended
Preliminary steps that may be taken where proposed public work would not conform with official plan

- 2.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4 and 1976, chapter 38, section 2, is further amended by adding thereto the following subsections:

 (4b) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under this section, subsections 2 and 4 do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent, stipulates either that subsection 2 or subsection 4 shall apply to any such subsequent conveyance or transaction.

Exception to application of s. 29 (2, 4)

(4c) Where a committee of adjustment, a land division committee or the Minister stipulates in accordance with subsection 4b,

Idem

(a) in the case of the committee of adjustment or the land division committee, the certificate provided for in subsection 20 of section 42; and

(b) in the case of the Minister, the consent given by the Minister,

shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been granted without the stipulation.

s. 29,
amended

(2) The said section 29 is further amended by adding thereto the following subsection:

Effect of con-
travention of
s. 29, etc.,
before plan
registered,
etc.
R.S.O. 1970,
c. 77

(4d) Where land is within a registered plan of subdivision or within a registered description under *The Condominium Act* or where land is conveyed with a consent given under this section or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause *b* of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in the land, provided this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which this section comes into force.

s. 29,
amended

(3) The said section 29 is further amended by adding thereto the following subsection:

Release of
interest by
joint tenant
or tenant in
common

(5f) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections 2 and 4, to convey such land by way of deed or transfer and to retain the fee in the abutting land.

s. 29 (9, 11),
re-enacted

(4) Subsections 9 and 11 of the said section 29 are repealed and the following substituted therefor:

Subsection 2. The new subsection 4*d* provides that where land is within a registered plan of subdivision or within a registered description under *The Condominium Act* or has been conveyed with a consent, then any conveyance prior to the registration or prior to the consent, is, notwithstanding any contravention of section 29, validated.

Subsection 3. The new subsection 5*f* will prohibit dealings in land of the type described without a consent.



Subsection 4. Subsection 9, as re-enacted, provides that a by-law under subsection 3, deeming a plan not to be a registered plan, is not effective until it has been registered by the clerk in the proper land registry office.



The re-enactment of subsection 11 makes it clear that a municipal council may pass a by-law under subsection 3 (deeming a registered plan to be not a registered plan), without affording affected parties a hearing notice of the passing of the by-law is, however, to be given to such persons and the new subsection 11*a* entitles any such person to a hearing before the council at which representations may be made for the amendment or repeal of the by-law.

SECTION 3. Clause *b* of subsection 5*a* of section 32 of the Act requires the Minister to register in the proper land registry office a copy of a zoning order made by him where the land affected is situate in territory without municipal organization; as re-enacted, the clause will require the Minister to lodge a copy of the order in the land registry office. This will correspond to the existing subsection 2 of section 16 of the Act relating to official plans. The effect is that the order need not be registered against every individual parcel of land that may be affected by the order.

SECTION 4.—Subsection 1. Subsection 9 of section 33 of the Act reads as follows:

- (9) *Land conveyed to a municipality under subsection 5 shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister.*

The land referred to is the 5 per cent park conveyance that may be required as a condition to the approval of a plan of subdivision. The re-enactment removes the requirement of the Minister's approval to a sale of such lands when the sale is made within five years of the registration of the plan.

Subsection 2. Subsection 11 of section 33 of the Act specifies the uses to which moneys received for park purposes or the proceeds of the sale of such lands may be put. As re-enacted, the necessity of obtaining the Minister's approval for certain purposes is removed and the uses permitted are more clearly set out. The subsection as it now reads is set out below:

- (11) *All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park purposes or, with the approval of the Minister, for the acquisition of land to be used for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.*

(9) A by-law passed under subsection 3 is not effective until the requirements of subsection 10 have been complied with. ^{When by-law effective}

(11) No notice or hearing is required prior to the passing of a by-law under subsection 3, but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. ^{Notice}

(11a) The council shall hear in person or by his agent any person to whom a notice was sent under subsection 11, who within fifteen days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law. ^{Hearing by council}

3. Clause *b* of subsection 5a of section 32 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor: ^{s. 32 (5a) (b), re-enacted}

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

4.—(1) Subsection 9 of section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor: ^{s. 33 (9), re-enacted}

(9) Land conveyed to a municipality under subsection 5 shall be used for park or other public recreational purposes but may be sold at any time. ^{Use and sale of land}

(2) Subsection 11 of the said section 33, as amended by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor: ^{s. 33 (11), re-enacted}

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition ^{Special account}

of lands to be used for park or other public recreational purposes, for the development or improvement of lands used or to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1970,
c. 470

s. 33a,
enacted

Proceedings
under
R.S.O. 1970,
c. 338;
Minister
to be
notified

Form and
service of
notice

Right of
Minister to
be heard

Right of
Minister
to appeal

s. 35 (26),
re-enacted

Where notice
of objection
filed


s. 35 (28),
re-enacted

 5. The said Act is amended by adding thereto the following section:

33a.—(1) Where an action or proceeding for the partition of land is brought under *The Partition Act*, notice shall be given to the Minister.

(2) The notice shall include a copy of the application for the partition of land and shall state the day on which the matter is to be heard, and, subject to the rules of court, shall be served not less than ten days before the day of the hearing.

(3) The Minister is entitled as of right to be heard either in person or by counsel notwithstanding that the Crown is not a party to the action or proceeding.

(4) Where the Minister appears in person or by counsel, the Minister shall be deemed to be a party to the action or proceeding for the purpose of an appeal and has the same rights with respect to an appeal as any other party to the action or proceeding. 

6.—(1) Subsection 26 of section 35 of the said Act is repealed and the following substituted therefor:

(26) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect without the approval of the Municipal Board.

(2) Subsection 28 of the said section 35 is repealed and the following substituted therefor:

SECTION 5. The new section 33a requires notice to be given to the Minister when an application is brought for the partition of land under *The Partition Act*. The Minister may then take part in the proceedings as though he were a party to them.

SECTION 6. Subsections 24 to 28 of section 35 of the Act provide a procedure whereby a zoning by-law may come into effect without the approval of the Municipal Board where no person objects. The re-enactment of subsection 28 will deem such by-laws to conform with the municipality's official plan as is now the case where a zoning by-law is approved by the Board. Set out below is subsection 28 as proposed to be re-enacted showing underlined the words to be added:

- (28) *Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection 25 shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality.*

The re-enactment of subsection 26 brings its wording into conformity with subsection 9. Set out below is subsection 26 as it now reads showing underlined the words to be changed by the re-enactment:


- (26) *Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect until approved by the Municipal Board.*



SECTION 7. Subsection 20 of section 42 now reads:

- (20) *When a consent has been granted on an application under subsection 3, the secretary-treasurer shall, after the decision of the committee is final and binding under subsection 14, give a certificate to the applicant stating that such consent has been given, and the certificate is conclusive evidence that such consent was given and that the provisions of this Act leading to such consent have been complied with.*

The words added by the amendment make it clear that once a committee has given a consent and the decision has become final the certificate of the committee stating that a consent has been given is conclusive proof, the committee has jurisdiction to grant the consent; nor may any action be then taken to question the validity of the consent.



SECTION 8. The effect of the re-enactment is to empower the planning board of the planning area in which a contravention of a Minister's order under section 32 took place to bring an action to restrain the contravention; as the section now reads only the Minister or a municipality or a ratepayer of the municipality may bring such an action.

SECTION 9. The re-enactment adds a reference to section 163 of *The Land Titles Act* to make it clear that the authority of the Minister under that section may be delegated to a council. That authority is to consent to an order of a judge amending a plan of subdivision that was registered after March 27th, 1946.

(28) Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection 25 shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality. Approved by-law deemed to conform with official plan

7. Subsection 20 of section 42 of the said Act is amended by adding at the end thereof "and that, notwithstanding any other provision of this Act, the committee had jurisdiction to grant such consent and after the certificate has been given no action may be maintained to question the validity of such consent". s. 42 (20), amended


8. Section 43 of the said Act is repealed and the following substituted therefor: s. 43, re-enacted

43. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 19 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 32 may be restrained by action at the instance of the Minister or the planning board of the planning area in which the contravention took place or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality. Right to restrain

9. Subsection 2 of section 44b of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 38, section 4, is repealed and the following substituted therefor: s. 44b (2), re-enacted

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act, under section 24 of *The Condominium Act*, under subsection 8 of section 443 and subsection 2 of section 450 of *The Municipal Act*, under subsection 4 of section 86 of *The Registry Act* and under section 163 of *The Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. Delegation of Minister's powers
R.S.O. 1970,
cc. 77, 284,
409, 234

Commence-
ment

 **10.**—(1) This Act, except subsections 1 and 3 of section 2 and section 7, comes into force on the day it receives Royal Assent.


Idem

(2) Section 7 shall be deemed to have come into force on the 27th day of June, 1970.

Idem

(3) Subsection 3 of section 2 shall be deemed to have come into force on the 23rd day of November, 1978.

Idem

(4) Subsection 1 of section 2 comes into force on the 31st day of March, 1979. 

Short title

11. The short title of this Act is *The Planning Amendment Act, 1978*.

An Act to amend
The Planning Act

1st Reading

November 23rd, 1978

2nd Reading

December 5th, 1978

3rd Reading

THE HON. C. BENNETT
Minister of Housing

(Reprinted as amended by the
Committee of the Whole House)

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B 56
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2ND SESSION, 31ST LEGISLATURE OF ONTARIO
27 ELIZABETH II, 1978
H. J. ...

An Act to amend The Planning Act

THE HON. C. BENNETT
Minister of Housing



An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2a) Notwithstanding subsections 1 and 2, the council of a municipality, including a metropolitan, regional or district municipality, may take into consideration the undertaking of a public work that does not conform with an official plan that is in effect, and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

Preliminary steps that may be taken where proposed public work would not conform with official plan

- 2.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4 and 1976, chapter 38, section 2, is further amended by adding thereto the following subsections:

(4b) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under this section, subsections 2 and 4 do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent, stipulates either that subsection 2 or subsection 4 shall apply to any such subsequent conveyance or transaction.

Exception to application of s. 29 (2, 4)

(4c) Where a committee of adjustment, a land division committee or the Minister stipulates in accordance with subsection 4b,

Idem

- (a) in the case of the committee of adjustment or the land division committee, the certificate provided for in subsection 20 of section 42; and
- (b) in the case of the Minister, the consent given by the Minister,

shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been granted without the stipulation.

s. 29,
amended

- (2) The said section 29 is further amended by adding thereto the following subsection:

Effect of con-
travention of
s. 29, etc.,
before plan
registered,
etc.
R.S.O. 1970,
c. 77

(4d) Where land is within a registered plan of subdivision or within a registered description under *The Condominium Act* or where land is conveyed with a consent given under this section or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause *b* of subsection 1 of section 27, as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in the land, provided this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which this section comes into force.

s. 29,
amended

- (3) The said section 29 is further amended by adding thereto the following subsection:

Release of
interest by
joint tenant
or tenant in
common

(5f) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections 2 and 4, to convey such land by way of deed or transfer and to retain the fee in the abutting land.

s. 29 (9, 11),
re-enacted

- (4) Subsections 9 and 11 of the said section 29 are repealed and the following substituted therefor:

(9) A by-law passed under subsection 3 is not effective until the requirements of subsection 10 have been complied with. ^{When by-law effective}

(11) No notice or hearing is required prior to the passing of a by-law under subsection 3, but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. ^{Notice}

(11a) The council shall hear in person or by his agent any person to whom a notice was sent under subsection 11, who within fifteen days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law. ^{Hearing by council}

3. Clause *b* of subsection 5a of section 32 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor: ^{s. 32 (5a) (b), re-enacted}

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

4.—(1) Subsection 9 of section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor: ^{s. 33 (9), re-enacted}

(9) Land conveyed to a municipality under subsection 5 shall be used for park or other public recreational purposes but may be sold at any time. ^{Use and sale of land}

(2) Subsection 11 of the said section 33, as amended by the Statutes of Ontario, 1972, chapter 118, section 5, is repealed and the following substituted therefor: ^{s. 33 (11), re-enacted}

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition ^{Special account}

of lands to be used for park or other public recreational purposes, for the development or improvement of lands used or to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1970,
c. 470

s. 33a,
enacted

Proceedings
under
R.S.O. 1970,
c. 338;
Minister
to be
notified

Form and
service of
notice

Right of
Minister to
be heard

Right of
Minister
to appeal

s. 35 (26),
re-enacted

Where notice
of objection
filed

s. 35 (28),
re-enacted

5. The said Act is amended by adding thereto the following section:

33a.—(1) Where an action or proceeding for the partition of land is brought under *The Partition Act*, notice shall be given to the Minister.

(2) The notice shall include a copy of the application for the partition of land and shall state the day on which the matter is to be heard, and, subject to the rules of court, shall be served not less than ten days before the day of the hearing.

(3) The Minister is entitled as of right to be heard either in person or by counsel notwithstanding that the Crown is not a party to the action or proceeding.

(4) Where the Minister appears in person or by counsel, the Minister shall be deemed to be a party to the action or proceeding for the purpose of an appeal and has the same rights with respect to an appeal as any other party to the action or proceeding.

6.—(1) Subsection 26 of section 35 of the said Act is repealed and the following substituted therefor:

(26) Where an official plan is in effect in a municipality and notice is given in the manner and form and to the persons prescribed by the regulations and a notice of objection has been filed with the clerk of the municipality within the time prescribed by the regulations, the by-law does not come into effect without the approval of the Municipal Board.

(2) Subsection 28 of the said section 35 is repealed and the following substituted therefor:

(28) Any by-law approved by the Municipal Board under this section and any by-law that comes into effect under subsection 25 shall be conclusively deemed to be in conformity with the official plan then in effect in the municipality.

Approved by-law deemed to conform with official plan

7. Subsection 20 of section 42 of the said Act is amended by adding at the end thereof "and that, notwithstanding any other provision of this Act, the committee had jurisdiction to grant such consent and after the certificate has been given no action may be maintained to question the validity of such consent". s. 42 (20),
amended
8. Section 43 of the said Act is repealed and the following substituted therefor: s. 43,
re-enacted

43. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 19 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality, and any contravention of an order of the Minister made under section 32 may be restrained by action at the instance of the Minister or the planning board of the planning area in which the contravention took place or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality.

Right to restrain

9. Subsection 2 of section 44b of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 38, section 4, is repealed and the following substituted therefor: s. 44b (2),
re-enacted

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act, under section 24 of *The Condominium Act*, under subsection 8 of section 443 and subsection 2 of section 450 of *The Municipal Act*, under subsection 4 of section 86 of *The Registry Act* and under section 163 of *The Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation of Minister's powers
R.S.O. 1970,
cc. 77, 284,
409, 234

Commence- ment	10. —(1) This Act, except subsections 1 and 3 of section 2 and section 7, comes into force on the day it receives Royal Assent.
Idem	(2) Section 7 shall be deemed to have come into force on the 27th day of June, 1970.
Idem	(3) Subsection 3 of section 2 shall be deemed to have come into force on the 23rd day of November, 1978.
Idem	(4) Subsection 1 of section 2 comes into force on the 31st day of March, 1979.
Short title	11. The short title of this Act is <i>The Planning Amendment Act, 1978</i> .

An Act to amend
The Planning Act

1st Reading

November 23rd, 1978

2nd Reading

December 5th, 1978

3rd Reading

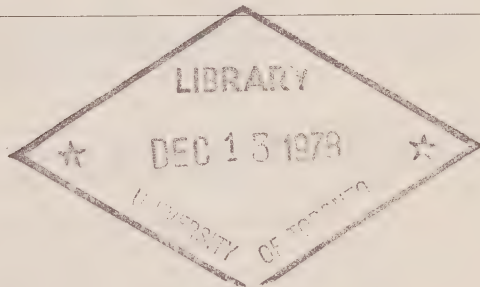
December 12th, 1978

THE HON. C. BENNETT
Minister of Housing

2ND SESSION, 31ST LEGISLATURE, ¹ONTARIO
27 ELIZABETH II, 1978 *Legist*

**An Act to amend
The Ontario Land Corporation Act, 1974**

THE HON. C. BENNETT
Minister of Housing



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 6 now provides that every director, officer or employee of the Corporation, and every agent and adviser whose services are engaged by the Corporation, must take an oath of office and secrecy; as proposed to be re-enacted, the administering of the oath to agents and advisers is discretionary.

SECTION 2.—Subsection 1. Section 13 (1) now reads as follows:

- (1) *The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development and, without limiting the generality thereof, in the carrying out of those objects the Corporation has power to,*
- (a) *purchase, lease, take in exchange or otherwise acquire lands or interests therein, together with any buildings or structures on the lands;*
 - (b) *sell, lease, exchange, mortgage or otherwise dispose of the whole or any portion of the lands and all or any of the buildings or structures that are then or may after be erected upon the lands and to take such payment or security therefor as may be necessary or desirable;*
 - (c) *lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;*
 - (d) *subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and*
 - (e) *do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses a, b, c and d.*

The effect of the re-enactment is to enable the Corporation to not only acquire and dispose of land in furtherance of its objective to promote community and industrial development of land in Ontario, but to itself develop land it has acquired before disposing of it. In addition, clauses a and b of the subsection as it now reads have been combined and amplify the power now given to the Corporation to develop land.

BILL 184

1978

**An Act to amend
The Ontario Land Corporation Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6, exclusive of the form of oath or affirmation, of *The Ontario Land Corporation Act, 1974*, being chapter 134, ^{s. 6, amended} is repealed and the following substituted therefor:

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation:

Oath of
office and
secrecy

- 2.—(1) Subsection 1 of section 13 of the said Act is repealed and ^{s. 13 (1), re-enacted} the following substituted therefor:

(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land, development of land and the disposal of land to persons in the private and government sectors for residential, community, industrial, governmental and commercial uses and, without limiting the generality thereof, in the carrying out of those objects the Corporation has the power to,

Objects and
powers of the
Corporation

- (a) alone or in conjunction with any person or governmental authority, acquire, develop, redevelop, improve, alter, maintain, lease, license, sell, exchange, mortgage or otherwise deal with, as the Corporation considers advisable, any land in Ontario or any interest therein, including all or any buildings or structures that are then or may thereafter be erected, altered, or improved thereon, with power to enter into any agreement relating thereto;

- (b) lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;
- (c) subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and
- (d) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses a, b and c.

s. 13,
amended

- (2) The said section 13 is amended by adding thereto the following subsection:

Transfer of
assets to
Corporation

- (3) Such right, title and interest in property, both real and personal, that is presently or is hereafter vested in or owned by the Province of Ontario or any board, commission or agency thereof, as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation, from time to time, shall be transferred to and vested in the Corporation, together with all obligations, liabilities and responsibilities relating thereto.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** The short title of this Act is *The Ontario Land Corporation Amendment Act, 1978*.

Subsection 2. The subsection added empowers the Lieutenant Governor in Council to transfer to the Corporation title and other interest in property that is now or may later be acquired by the Province or any of its boards, commissions or agencies.

An Act to amend
The Ontario Land Corporation
Act, 1974

1st Reading

November 23rd, 1978

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Housing

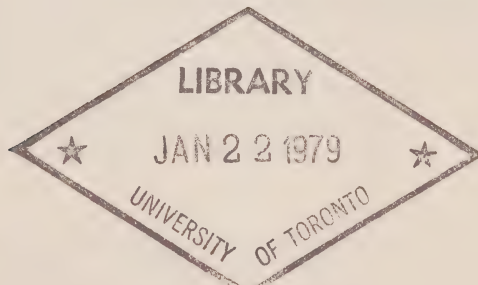
(*Government Bill*)

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BILL 184

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2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978
4/11/78
Legislative Council

An Act to amend
The Ontario Land Corporation Act, 1974

THE HON. C. BENNETT
Minister of Housing



BILL 184

1978

An Act to amend The Ontario Land Corporation Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6, exclusive of the form of oath or affirmation, of ^{s. 6, amended} *The Ontario Land Corporation Act, 1974*, being chapter 134, is repealed and the following substituted therefor:

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation: ^{Oath of office and secrecy}

- 2.—(1) Subsection 1 of section 13 of the said Act is repealed and ^{s. 13 (1), re-enacted} the following substituted therefor:

(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land, development of land and the disposal of land to persons in the private and government sectors for residential, community, industrial, governmental and commercial uses and, without limiting the generality thereof, in the carrying out of those objects the Corporation has the power to, ^{Objects and powers of the Corporation}

- (a) alone or in conjunction with any person or governmental authority, acquire, develop, redevelop, improve, alter, maintain, lease, license, sell, exchange, mortgage or otherwise deal with, as the Corporation considers advisable, any land in Ontario or any interest therein, including all or any buildings or structures that are then or may thereafter be erected, altered, or improved thereon, with power to enter into any agreement relating thereto;

- (b) lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;
- (c) subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and
- (d) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b* and *c*.

s. 13,
amended

- (2) The said section 13 is amended by adding thereto the following subsection:

Transfer of
assets to
Corporation

- (3) Such right, title and interest in property, both real and personal, that is presently or is hereafter vested in or owned by the Province of Ontario or any board, commission or agency thereof, as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation, from time to time, shall be transferred to and vested in the Corporation, together with all obligations, liabilities and responsibilities relating thereto.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** The short title of this Act is *The Ontario Land Corporation Amendment Act, 1978*.

*An Act to amend
The Ontario Land Corporation
Act, 1974*

1st Reading

November 23rd, 1978

2nd Reading

December 5th, 1978

3rd Reading

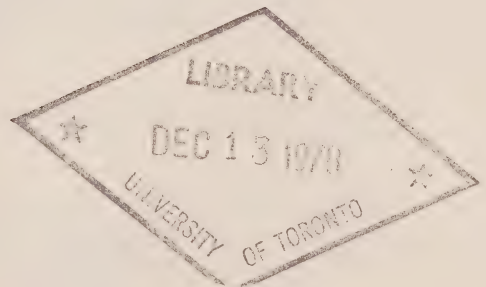
December 12th, 1978

THE HON. C. BENNETT
Minister of Housing

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend
The Pits and Quarries Control Act, 1971

MR. WARNER



EXPLANATORY NOTE

The purpose of the Bill is to authorize the Minister of Natural Resources to direct that a pit or quarry be graded or filled in when it constitutes a danger to the public and is no longer in operation in order to ensure public safety.

BILL 185

1978

An Act to amend The Pits and Quarries Control Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Pits and Quarries Control Act, 1971*, being chapter 96, is repealed and the following substituted therefor: s. 2,
re-enacted

2.—(1) This Act, except section 20a, applies only in such parts of Ontario as are designated by the Lieutenant Governor in Council by regulation. Application
of Act

(2) Section 20a applies in all parts of Ontario. Idem

2. Section 20 of the said Act is amended by adding thereto the following subsection: s. 20,
amended

(4) Notwithstanding subsections 1, 2 and 3, section 20a of this Act applies to every pit and quarry in Ontario whether or not the pit or quarry was in operation on the day *The Pits and Quarries Control Amendment Act, 1978* came into force. Application
of s. 20a
1978, c. ...

3. The said Act is amended by adding thereto the following section: s. 20a,
enacted

20a.—(1) Notwithstanding anything in this Act, where the Minister is of the opinion that an abandoned pit or quarry or a pit or quarry at which operations have ceased constitutes a danger to the public, the Minister may direct the operator of the pit or quarry to level and grade the floor thereof, or to fill in the pit or quarry or to take such other steps that will ensure that the pit or quarry is in a safe condition. Minister's
direction re
unsafe pit or
quarry

(2) If the operator of a pit or quarry does not comply with a direction of the Minister under subsection 1, the Minister Idem

may authorize any person or persons to enter upon the premises on which the pit or quarry is situate and perform such work as is required by the direction and the operator is liable for the cost thereof.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Pits and Quarries Control Amendment Act, 1978*.

An Act to amend
The Pits and Quarries Control
Act, 1971

1st Reading

November 23rd, 1978

2nd Reading

3rd Reading

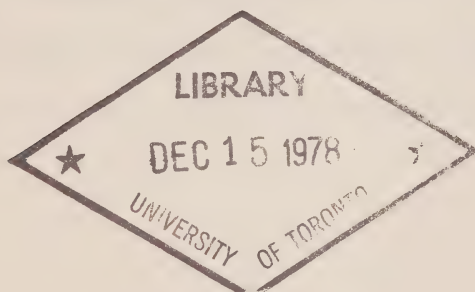
MR. WARNER

(*Private Member's Bill*)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Coroners Act, 1972

THE HON. R. MCMURTRY
Attorney General and Solicitor General



EXPLANATORY NOTE

The purpose of the Bill is to permit the pituitary gland to be extracted by any person performing a *post mortem* examination under the authority of a coroner's warrant for use in the treatment of persons having a growth hormone deficiency.

BILL 186

1978

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Coroners Act, 1972*, being chapter 98, is amended by adding thereto the following section: s. 23a,
enacted

23a.—(1) Any person performing a *post mortem* examination of a body under the warrant of a coroner may extract the pituitary gland and cause it to be delivered to any person or agency designated by the Chief Coroner for use in the treatment of persons having a growth hormone deficiency. Extraction
and use of
pituitary
gland

(2) This section applies where the coroner or person performing the *post mortem* examination has no reason to believe that the deceased has expressed an objection to his body being so dealt with after his death or that the surviving spouse, parent, child, brother, sister or personal representative objects to the body being so dealt with, and notwithstanding that no consent otherwise required by law is given. Objections

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Coroners Amendment Act, 1978*. Short title

An Act to amend
The Coroners Act, 1972

1st Reading

November 27th, 1978

2nd Reading

3rd Reading

THE HON. R. McMurtry
Attorney General and Solicitor General

(Government Bill)

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B 56

BILL 186

Government
Publications

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Regulation Ministry

An Act to amend The Coroners Act, 1972

THE HON. R. MCMURTRY
Attorney General and Solicitor General



BILL 186

1978

An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Coroners Act, 1972*, being chapter 98, is amended by ^{s. 23a, enacted} adding thereto the following section:

23a.—(1) Any person performing a *post mortem* examination of a body under the warrant of a coroner may extract the pituitary gland and cause it to be delivered to any person or agency designated by the Chief Coroner for use in the treatment of persons having a growth hormone deficiency. ^{Extraction and use of pituitary gland}

(2) This section applies where the coroner or person performing the *post mortem* examination has no reason to believe that the deceased has expressed an objection to his body being so dealt with after his death or that the surviving spouse, parent, child, brother, sister or personal representative objects to the body being so dealt with, and notwithstanding that no consent otherwise required by law is given. ^{Objections}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. The short title of this Act is *The Coroners Amendment Act, 1978*. ^{Short title}

An Act to amend
The Coroners Act, 1972

1st Reading

November 27th, 1978

2nd Reading

December 5th, 1978

3rd Reading

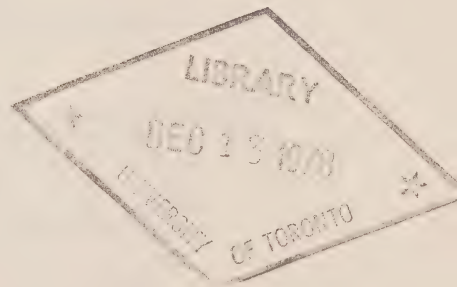
December 8th, 1978

THE HON. R. McMURTRY
Attorney General and Solicitor General

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Corporations Information Act, 1976**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Definition is identical to one used in *The Business Corporations Act*. The phrase defined is used in section 3 of the Act.

SECTION 2. The effect of the new provision permits a co-operative to use the word "Co-operative" or "Co-op" in its registered name where the registered name is other than the corporation's name. This use presently is forbidden.

SECTION 3.—Subsection 1. Section 3 of the Act sets out the information that must be filed by a corporation. The provision is recast deleting the requirement to set out whether "each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act, 1972* and, if so, the name of such related corporation and the jurisdiction of its incorporation".

Subsection 2. Notice of change must be filed when a director retires. The provision as recast makes this unnecessary when the retirement is as a result of the term of office being completed and the director is immediately re-elected.

The new subsection 3 of the Act removes the requirement for an Ontario incorporated company to file a notice of change when it changes its name. The name change is recorded on file by virtue of the certificate of amendment issued to change the corporation's name.

BILL 187

1978

An Act to amend The Corporations Information Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporations Information Act, 1976*, being chapter 66, is amended by adding thereto the following clause: s. 1,
amended

(h) "resident Canadian" means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada.

2. Subsection 3 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (3),
re-enacted

(3) A name or style registered under this section shall not have the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." or the corresponding version in another language, as the last word thereof. Form of
name

- 3.—(1) Clause *d* of subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (1) (d),
re-enacted

(d) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not each director is a resident Canadian.

- (2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) Every corporation to which subsection 1 applies shall file with the Minister a notice of change for every change Notice of
change

under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of subsection 1 or 2 of section 4 whichever is applicable, within ten days after the change or changes took place and the notice shall repeat the information required under the said clauses and shall specify any changes, together with the dates thereof that have taken place, but the retirement of a director and his subsequent re-election at a meeting of shareholders for the next ensuing term of office shall be deemed not to be a change.

Exemption

(3a) Where a corporation incorporated under the laws of Ontario changes only its name it is exempt from filing the information required under subsection 3.

s. 5,
re-enacted

4. Section 5 of the said Act is repealed and the following substituted therefor:

Further
notice on
request

5. The Minister may, at any time by request in writing sent by prepaid mail or otherwise, require any corporation to file within thirty days after the date of the request a notice upon any or all of the matters contained in section 3 or 4.

s. 9,
amended

5. Section 9 of the said Act is amended by striking out "with the approval of the Lieutenant Governor in Council" in the first and second lines.

s. 18 (b),
re-enacted

6. Clause *b* of section 18 of the said Act is repealed and the following substituted therefor:

(b) providing for the registration of names and styles under section 2, the renewal thereof and for the exemption, subject to conditions, of any corporation or corporations from the requirements of subsection 4 of section 2;

(ba) prescribing conditions for purposes of clause *b*.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is *The Corporations Information Amendment Act, 1978*.

SECTION 4. The amended provision starts the time limit running from the date of the request and not from the date of receipt of the request as presently set out. The word "notice" has been changed to "request" for greater precision.

SECTION 5. Section 9 permits the Minister to delegate duties and powers to public servants with the approval of the Lieutenant Governor in Council. The reference to this approval has been deleted.

SECTION 6. Section 18 of the Act provides for the power to make regulations. The new clause *b* reads as follows:

- (b) providing for the registration of names and styles under section 2, the renewal thereof and for the exemption, subject to conditions, of any corporation or corporations from the requirements of subsection 4 of section 2.

The words underlined are being added to the existing clause *b*. Clause *ba* is complementary to the new clause *b*.

An Act to amend
The Corporations Information
Act, 1976

1st Reading

November 27th, 1978

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

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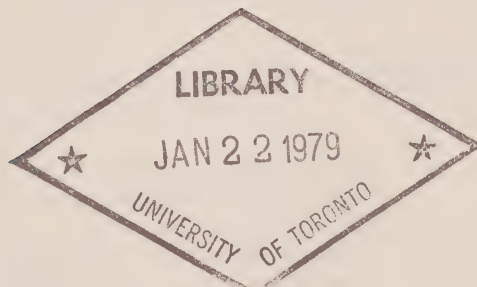
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Government
Publications

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Corporations Information Act, 1976**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 187

1978

An Act to amend The Corporations Information Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Corporations Information Act, 1976*, being ^{s. 1, amended} chapter 66, is amended by adding thereto the following clause:

(h) "resident Canadian" means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada.

2. Subsection 3 of section 2 of the said Act is repealed and the ^{s. 2 (3), re-enacted} following substituted therefor:

(3) A name or style registered under this section shall ^{Form of name} not have the word "Limited", "Incorporated" or "Corporation" or its corresponding abbreviation "Ltd.", "Inc." or "Corp." or the corresponding version in another language, as the last word thereof.

- 3.—(1) Clause *d* of subsection 1 of section 3 of the said Act is ^{s. 3 (1) (d), re-enacted} repealed and the following substituted therefor:

(d) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not each director is a resident Canadian.

- (2) Subsection 3 of the said section 3 is repealed and the ^{s. 3 (3), re-enacted} following substituted therefor:

(3) Every corporation to which subsection 1 applies shall ^{Notice of change} file with the Minister a notice of change for every change

under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of subsection 1 or 2 of section 4 whichever is applicable, within ten days after the change or changes took place and the notice shall repeat the information required under the said clauses and shall specify any changes, together with the dates thereof that have taken place, but the retirement of a director and his subsequent re-election at a meeting of shareholders for the next ensuing term of office shall be deemed not to be a change.

Exemption

(3*a*) Where a corporation incorporated under the laws of Ontario changes only its name it is exempt from filing the information required under subsection 3.

s. 5,
re-enacted

4. Section 5 of the said Act is repealed and the following substituted therefor:

Further
notice on
request

5. The Minister may, at any time by request in writing sent by prepaid mail or otherwise, require any corporation to file within thirty days after the date of the request a notice upon any or all of the matters contained in section 3 or 4.

s. 9,
amended

5. Section 9 of the said Act is amended by striking out "with the approval of the Lieutenant Governor in Council" in the first and second lines.

s. 18 (*b*),
re-enacted

6. Clause *b* of section 18 of the said Act is repealed and the following substituted therefor:

(*b*) providing for the registration of names and styles under section 2, the renewal thereof and for the exemption, subject to conditions, of any corporation or corporations from the requirements of subsection 4 of section 2;

(*ba*) prescribing conditions for purposes of clause *b*.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is *The Corporations Information Amendment Act, 1978*.

An Act to amend
The Corporations Information
Act, 1976

1st Reading

November 27th, 1978

2nd Reading

December 5th, 1978

3rd Reading

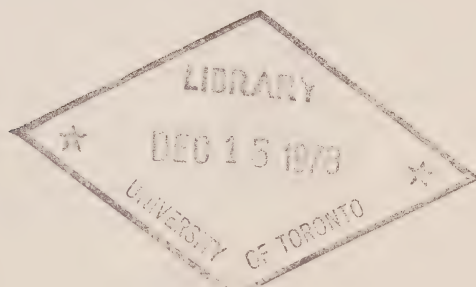
December 12th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill postpones the repeal of the Act for one month, from the 28th day of February, 1979 to the 31st day of March, 1979. The continuation of the Act for certain specified purposes is correspondingly extended.

BILL 188

1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1, is further amended by striking out “and is repealed on the 28th day of February, 1979” in the amendment of 1978 and inserting in lieu thereof “and is repealed on the 31st day of March, 1979”. s. 20 (1),
amended
- (2) Subsection 2 of the said section 20, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11 and amended by 1978, chapter 53, section 1, is repealed and the following substituted therefor: s. 20 (2),
re-enacted
 - (2) Notwithstanding subsection 1, Idem
 - (a) where there has been an increase in rent for residential premises charged to take effect after the 31st day of March, 1978, and on or before the 31st day of March, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and
 - (b) this Act continues in force for the purpose of,
 - (i) hearing and making orders in respect of applications filed on or before the 31st day of March, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*.

An Act to amend The Residential
Premises Rent Review Act, 1975
(2nd Session)

1st Reading

November 28th, 1978

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

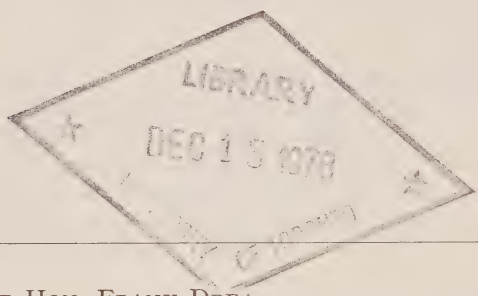
(*Government Bill*)

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2ND SESSION, 31ST LEGISLATURE, ^TONTARIO
27 ELIZABETH II, 1978

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**



THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

BILL 188

1978

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1, is further amended by striking out “and is repealed on the 28th day of February, 1979” in the amendment of 1978 and inserting in lieu thereof “and is repealed on the 31st day of March, 1979”. s. 20 (1),
amended
- (2) Subsection 2 of the said section 20, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11 and amended by 1978, chapter 53, section 1, is repealed and the following substituted therefor: s. 20 (2),
re-enacted
 - (2) Notwithstanding subsection 1, Idem
 - (a) where there has been an increase in rent for residential premises charged to take effect after the 31st day of March, 1978, and on or before the 31st day of March, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and
 - (b) this Act continues in force for the purpose of,
 - (i) hearing and making orders in respect of applications filed on or before the 31st day of March, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*.

An Act to amend The Residential
Premises Rent Review Act, 1975
(2nd Session)

1st Reading

November 28th, 1978

2nd Reading

November 30th, 1978

3rd Reading

November 30th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

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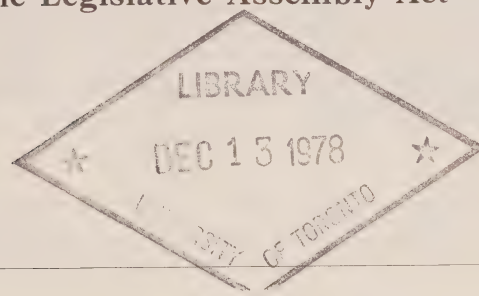
Government
Publications

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H BILL 189

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978 *Legisl*

**An Act to amend
The Legislative Assembly Act**



MR. BREITHAUPT

EXPLANATORY NOTE

The purpose of the Bill is to provide for the appointment of a Curator of Queen's Park. The Curator of Queen's Park will be responsible for advising the Speaker of the Legislative Assembly and the Lieutenant Governor in Council concerning the conservation, protection and preservation of the heritage of Queen's Park.

BILL 189

1978

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: ^{s. 73a, enacted}

73a.—(1) A Curator of Queen's Park shall be appointed by the Lieutenant Governor in Council upon such terms and conditions as the Speaker may recommend. ^{Curator of Queen's Park}

(2) The Curator of Queen's Park shall hold office during good behaviour but shall be removable from office for cause by the Lieutenant Governor in Council on address of the Assembly. ^{Tenure of office}

(3) The Curator of Queen's Park shall,

^{Duties of Curator}

- (a) compile and maintain an inventory of all structures, objects and locations at Queen's Park that have historical, architectural or aesthetic significance;
- (b) advise and make recommendations to the Speaker and to the Lieutenant Governor in Council on any matter relating to the conservation, protection and preservation of the heritage of Queen's Park including any renovation, restoration or alteration to a structure, object or location listed in the inventory that the Curator considers advisable.

(4) Such parts of the area of land within the area bounded by Queen's Park Crescent as may be designated by the Lieutenant Governor in Council shall constitute Queen's Park for determining the duties of the Curator of Queen's Park and the order in council shall be laid before the Assembly. ^{Queen's Park}

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Legislative Assembly Amendment Act, 1978*.

An Act to amend
The Legislative Assembly Act

1st Reading

November 28th, 1978

2nd Reading

3rd Reading

MR. BREITHAUPF

(Private Member's Bill)

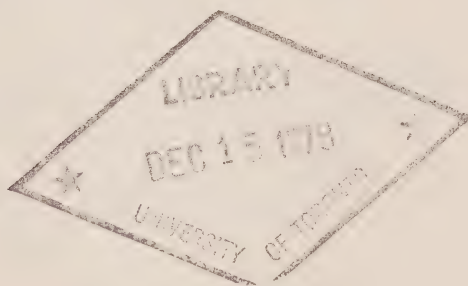
BILL 190

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend The Niagara Escarpment
Planning and Development Act, 1973**

MR. SWART



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to limit the types of development that may be permitted or exempted under the Act until the Niagara Escarpment Plan is approved. Between the 30th day of November, 1978 and the day on which the Plan is approved, only residential and agricultural development for which a severance is not required and additions to or alterations of existing buildings may be permitted provided that the estimated cost of completion does not exceed \$100,000.

The Bill also amends procedures relating to appeals from decisions concerning development permits. The appeal right is broadened to include a thirty day notice period during which an appeal may be made to the Ontario Municipal Board.

BILL 190

1978

**An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, as amended by the Statutes of Ontario, 1975, chapter 68, section 1 and 1976, chapter 35, section 1, is further amended by adding thereto the following clause:

(da) "Municipal Board" means the Ontario Municipal Board.

2. Section 23 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 35, section 4, is further amended by adding thereto the following subsection:

(1a) Between the 30th day of November, 1978 and the day on which the Niagara Escarpment Plan is approved by the Lieutenant Governor in Council, no development shall be exempted from development control or permitted, through the issuance of a development permit under this Act, by the Minister, the Commission, a county or regional municipality or city, as the case may be, unless,

- (a) the estimated cost of completion of the development is less than \$100,000; and
- (b) in the case of a residential or agricultural development, the development can be completed without the requirement of a consent under *The Planning Act*; or
- (c) the development is an addition to or alteration of an existing building.

s. 1,
amendeds. 23,
amendedLimitation
on issuance
of develop-
ment permitsR.S.O. 1970,
c. 349

s. 24 (5, 6),
re-enacted;
s. 24 (7-12),
repealed

Notification
of decision

3. Subsections 5 to 12 of section 24 of the said Act are repealed and the following substituted therefor:

(5) The Commission, or a county or regional municipality or city to whom the Minister has delegated his authority under subsection 1, shall by regular or registered mail cause a copy of the decision made by it on any application for a development permit to be mailed to the Minister, to the applicant for the permit, to all assessed owners of land lying within 400 feet of the land that is the subject of the application, to the clerk of every municipality in which the land is situated and to any person who has requested to receive a copy of the decision or of any decision on an application for a development permit, and every copy of such decision shall include a notice specifying that any person, within thirty days of the mailing of it, may appeal in writing to the Municipal Board against the decision.

Appeal to
O.M.B.

(6) Where the Municipal Board receives one or more notices of appeal under subsection 5, the Board shall hear the appeal and either dismiss the same or direct that the development permit be issued subject to such terms or conditions, if any, as the Board considers desirable.

s. 25,
re-enacted

4. Section 25 of the said Act is repealed and the following substituted therefor:

Minister's
power of
decision

25.—(1) Where the Minister has not delegated his authority under section 24 and he receives an application for a development permit, the Minister shall consider the merits of the application and may make a decision to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as he considers desirable.

Notification
of decision

(2) The Minister shall, by regular or registered mail, cause a copy of the decision made by him on any application for a development permit to be mailed to the applicant for the permit, to all assessed owners of land lying within 400 feet of the land that is the subject of the application, to the clerk of every municipality in which the land is situated and to any person who has requested to receive a copy of the decision or of any decision on an application for a development permit, and every copy of such decision shall include a notice specifying that any person within thirty days of the mailing of it, may appeal in writing to the Municipal Board against the decision.

Appeal to
O.M.B.

(3) Where the Municipal Board receives one or more notices of appeal under subsection 2, the Board shall hear

the appeal and either dismiss the same or direct that the development permit be issued subject to such terms or conditions, if any, as the Board considers desirable.

5. This Act comes into force on the day it receives Royal Assent. Commence-
ment
6. The short title of this Act is *The Niagara Escarpment Planning and Development Amendment Act, 1978*. Short title

An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

November 30th, 1978

2nd Reading

3rd Reading

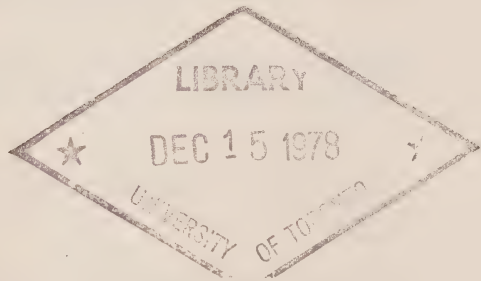
MR. SWART

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Executive Council Act

THE HON. R. WELCH
Provincial Secretary for Justice



EXPLANATORY NOTES

SECTION 1. Annual salaries are increased as follows :

1. Minister with portfolio, from \$18,000 to \$18,720.
2. First Minister, in addition, from \$7,000 to \$7,280.
3. Minister without portfolio, from \$7,500 to \$7,800.
4. Parliamentary Assistant, from \$5,000 to \$5,200.

SECTION 2. The provision for the payment of the actual cost of accommodation for a minister of the Crown who resides outside Metropolitan Toronto is increased from \$6,000 to \$6,240.

BILL 191

1978

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Executive Council Act*, s. 3 (1),
being chapter 153 of the Revised Statutes of Ontario, re-enacted
1970, as re-enacted by the Statutes of Ontario, 1973,
chapter 150, section 1, is repealed and the following sub-
stituted therefor:

(1) The annual salary of every minister with portfolio is Salaries
\$18,720.

- (2) Subsections 2 and 3 of the said section 3, as amended by s. 3 (2, 3),
the Statutes of Ontario, 1973, chapter 150, section 1, are re-enacted
repealed and the following substituted therefor:

(2) The member of the Executive Council holding the Additional
recognized position of First Minister shall receive, in addition, salary for
\$7,280 per annum. First
Minister

(3) The annual salary of every minister without portfolio Salary of
is \$7,800. minister
without
portfolio

- (3) Subsection 3a of the said section 3, as enacted by the s. 3 (3a),
Statutes of Ontario, 1972, chapter 1, section 3, is repealed re-enacted
and the following substituted therefor:

(3a) The annual salary of every Parliamentary Assistant Salary of
is \$5,200. Parliamentary
Assistant

2. Subsection 1 of section 3a of the said Act, as enacted by the s. 3a (1),
Statutes of Ontario, 1973, chapter 150, section 2, is repealed re-enacted
and the following substituted therefor:

Cost of
accommoda-
tion in
Toronto

(1) Every minister of the Crown with portfolio whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,240 in any year.

Commence-
ment

- 3.** This Act shall be deemed to have come into force on the 1st day of October, 1978.

Short title

- 4.** The short title of this Act is *The Executive Council Amendment Act, 1978*.

An Act to amend
The Executive Council Act

1st Reading

December 1st, 1978

2nd Reading

3rd Reading

THE HON. R. WELCH
Provincial Secretary for Justice

(Government Bill)

BILL 191

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Executive Council Act

THE HON. R. WELCH
Provincial Secretary for Justice



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 191

1978

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Executive Council Act*, <sup>s. 3 (1),
re-enacted</sup> being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 150, section 1, is repealed and the following substituted therefor:
 - (1) The annual salary of every minister with portfolio is ^{Salaries} \$18,720.
 - (2) Subsections 2 and 3 of the said section 3, as amended by <sup>s. 3 (2, 3),
re-enacted</sup> the Statutes of Ontario, 1973, chapter 150, section 1, are repealed and the following substituted therefor:
 - (2) The member of the Executive Council holding the <sup>Additional
salary for
First
Minister</sup> recognized position of First Minister shall receive, in addition, \$7,280 per annum.
 - (3) The annual salary of every minister without portfolio <sup>Salary of
minister
without
portfolio</sup> is \$7,800.
 - (3) Subsection 3a of the said section 3, as enacted by the <sup>s. 3 (3a),
re-enacted</sup> Statutes of Ontario, 1972, chapter 1, section 3, is repealed and the following substituted therefor:
 - (3a) The annual salary of every Parliamentary Assistant <sup>Salary of
Parliamentary
Assistant</sup> is \$5,200.
2. Subsection 1 of section 3a of the said Act, as enacted by the <sup>s. 3a (1),
re-enacted</sup> Statutes of Ontario, 1973, chapter 150, section 2, is repealed and the following substituted therefor:

Cost of
accommoda-
tion in
Toronto

(1) Every minister of the Crown with portfolio whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,240 in any year.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of October, 1978.

Short title

4. The short title of this Act is *The Executive Council Amendment Act, 1978*.

An Act to amend
The Executive Council Act

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. R. WELCH
Provincial Secretary for Justice

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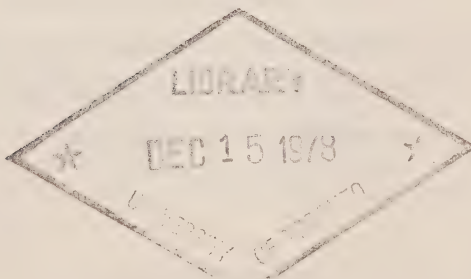
BILL 192

Government
Publications
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Legislative Assembly Act**

THE HON. R. WELCH
Provincial Secretary for Justice



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The annual indemnity of members of the Assembly is increased from \$19,242 to \$20,012.

Subsection 2. The annual allowance for expenses of members of the Assembly is increased from \$7,500 to \$7,800.

Subsection 3. Subsection 4 of section 60 of the Act provides for payment of indemnities and allowances on the 31st day of March in each year. Subsection 5 provides that, notwithstanding subsection 4, upon the request of a member any part of his accrued indemnity not exceeding \$1,600 per month and any part of his accrued allowance for expenses not exceeding one-twelfth of his annual allowance for expenses may be paid to the member.

The subsection is re-enacted to change the part of the indemnity that may be paid per month from \$1,600 to one-twelfth of the annual indemnity.

SECTION 2. Representation allowances are increased:

1. For the Premier, from \$4,500 to \$4,680.
2. For the Leader of the Opposition, from \$3,000 to \$3,120.
3. For the Speaker, from \$2,000 to \$2,080.
4. For the Leader of the Third Party, from \$1,500 to \$1,560.

BILL 192

1978

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1 and amended by 1977, chapter 69, section 1, is repealed and the following substituted therefor:
 - (1) An indemnity at the rate of \$20,012 per annum shall be paid to every member of the Assembly. Members' indemnities
 - (2) Subsection 2 of the said section 60, as amended by the Statutes of Ontario, 1973, chapter 151, section 1, is repealed and the following substituted therefor:
 - (2) An allowance for expenses at the rate of \$7,800 per annum shall be paid to every member of the Assembly. Members' allowances,
 - (3) Subsection 5 of the said section 60, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1 and amended by 1977, chapter 69, section 1, is repealed and the following substituted therefor:
 - (5) Notwithstanding subsection 4, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding one-twelfth of his annual indemnity per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. Advances
2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 2, is repealed and the following substituted therefor: s. 61, re-enacted

Allowance
for expenses
of repre-
sentation

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation,

- (a) to the Premier, at the rate of \$4,680 per annum;
- (b) to the Leader of the Opposition, at the rate of \$3,120 per annum;
- (c) to the Speaker, at the rate of \$2,080 per annum; and
- (d) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,560 per annum.

s. 62 (1),
re-enacted

3. Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 3, is repealed and the following substituted therefor:

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$9,360 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$18,720 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,200 per annum.

s. 62a,
re-enacted

4. Section 62a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 151, section 4, is repealed and the following substituted therefor:

Cost of
accommoda-
tion in
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,240 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan

SECTION 3. Additional indemnities are increased:

1. For the Speaker, from \$9,000 to \$9,360.
2. For the Leader of the Opposition, from \$18,000 to \$18,720.
3. For the Leader of the Third Party, from \$5,000 to \$5,200.

SECTION 4. The provision for payment of the actual cost of accommodation in Toronto for the Leader of the Opposition and for the Leader of the Third Party, where they reside outside Metropolitan Toronto, is increased from \$6,000 to \$6,240.

SECTION 5. Additional indemnities are increased:

1. For the Chairman of the Whole House, from \$5,000 to \$5,200.
2. For the Deputy Chairman of the Whole House, from \$3,000 to \$3,120.
3. For chairmen of standing committees, from \$2,000 to \$2,080.

SECTION 6. Additional indemnities to whips are increased as follows:

1. For the Chief Government Whip, from \$5,000 to \$5,200.
2. For the Deputy Government Whip, from \$3,000 to \$3,120.
3. For the Government Whips, from \$2,000 to \$2,080.
4. For the Chief Opposition Whip, from \$3,000 to \$3,120.
5. For the Opposition Whips, from \$2,000 to \$2,080.
6. For the Chief Party Whip of the Third Party, from \$2,500 to \$2,600.
7. For the Party Whip of the Third Party, from \$2,000 to \$2,080.

Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,240 in any year.

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 5, is repealed and the following substituted therefor: s. 63 (1),
re-enacted

(1) In addition to his indemnity as a member, an indemnity shall be paid, Chairman and
Deputy
Chairman of
Whole House
and Chairmen
of standing
committees,
indemnity

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$5,200 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$3,120 per annum; and
- (c) to the chairman of each standing committee at the rate of \$2,080 per annum.

6. Subsection 1 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 6, is repealed and the following substituted therefor: s. 64 (1),
re-enacted

(1) In addition to his indemnity as a member, an indemnity shall be paid, Whips,
indemnities

- (a) to the Chief Government Whip, at the rate of \$5,200 per annum;
- (b) to the Deputy Government Whip, at the rate of \$3,120 per annum;
- (c) to each of not more than three Government Whips, at the rate of \$2,080 per annum;
- (d) to the Chief Opposition Whip, at the rate of \$3,120 per annum;
- (e) to each of not more than two Opposition Whips, at the rate of \$2,080 per annum; and
- (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

- (i) to the Chief Party Whip of the party, at the rate of \$2,600 per annum, and

- (ii) to the Party Whip of the party, at the rate of \$2,080 per annum.

s. 65 (5),
re-enacted

7. Subsection 5 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 60, section 1, is repealed and the following substituted therefor:

air travel
and accom-
modation
costs within
certain
electoral
districts or
under special
circumstances

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,600 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,600 in any year.

s. 66 (1),
amended

8. Subsection 1 of section 66 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 24, section 3, is further amended by striking out the first, second, third and fourth lines and inserting in lieu thereof the following:

(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$52, and to the chairman thereof an allowance for expenses of \$62, and.

s. 67,
re-enacted

9. Section 67 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 151, section 8, is repealed and the following substituted therefor:

Severance
allowance

67.—(1) A person who is a member of the Assembly immediately before the Assembly is dissolved or is ended by the passage of time and who does not become a member of the next following Assembly shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force immediately before he ceased to be a member.

Severance
allowance on
resignation

(2) A member of the Assembly who resigns his seat shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force on the day he ceases to be a member.

Payment to
personal
representative
on death of
member

(3) Where a person who is a member of the Assembly dies, whether before the Assembly is dissolved or is ended

SECTION 7. The provision for payment to the member representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon of the actual cost of air travel within the electoral district is increased from \$2,500 to \$2,600, and the provision for payment to any other member of his actual costs of accommodation expended due to unusual or special circumstances while on business as a member of the Assembly in the electoral district represented by the member is increased from \$2,500 to \$2,600.

SECTION 8. The daily allowances for expenses while attending a committee of the Assembly when the Assembly is not sitting are increased, for committee members from \$50 to \$52, and for the chairman of the committee from \$60 to \$62.

SECTION 9. Section 67 of the Act provides for payment of a severance allowance equal to one-quarter of the annual indemnity in two specific situations. First, where a member of the Assembly is a candidate for re-election at a general election, has been renominated by his party and is not re-elected. Second, where a member is unable to accept the nomination of his party to be a candidate at a general election because of a substantial change in the boundaries of the electoral district represented by the member or because the electoral district ceases to exist.

New section 67 provides for a severance allowance equal to one-quarter of the annual indemnity in the three following situations:

1. Where a person is a member immediately before a dissolution of the Assembly and does not become a member of the next following Assembly.
2. Where a member resigns his seat.
3. Where a member dies.

SECTION 10. Additional indemnities are increased:

1. Opposition House Leader, from \$5,000 to \$5,200.
2. House Leader of the Third Party, from \$2,500 to \$2,600.

SECTION 11. New section 70*a* of the Act requires the Commission on Election Contributions and Expenses to review and make recommendations each year in respect of members' indemnities and allowances. The recommendations are to be reported to the Speaker and then laid before the Assembly.

by the passage of time or after dissolution or ending of the Assembly but before the polling day that follows the dissolution or ending, an amount equal to one-quarter of his annual indemnity as a member at the rate in force on the day of his death or immediately before the dissolution or ending, as the case requires, shall be paid to his personal representative.

- 10.** Section 68 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 116, section 2, is repealed and the following substituted therefor: s. 68, re-enacted

68. In addition to his indemnity as a member, an indemnity shall be paid, House Leaders' indemnities

(a) to the Opposition House Leader at the rate of \$5,200 per annum; and

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$2,600 per annum.

- 11.** The said Act is amended by adding thereto the following section: s. 70a, enacted

70a.—(1) In this section, “Commission” means the Commission on Election Contributions and Expenses established under *The Election Finances Reform Act, 1975*. Interpretation
1975, c. 12

(2) The Commission each year shall review and make such recommendations as it considers proper in respect of the indemnities and allowances of members of the Assembly under this Act. Review of indemnities and allowances

(3) The Commission shall report its recommendations to the Speaker and the Speaker shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

- 12.**—(1) This Act, except sections 9 and 11, shall be deemed to have come into force on the 1st day of October, 1978. Commencement

(2) Section 9 shall be deemed to have come into force on the 21st day of February, 1978. Idem

(3) Section 11 comes into force on the 1st day of April, 1979. Idem

- 13.** The short title of this Act is *The Legislative Assembly Amendment Act, 1978*. Short title

An Act to amend
The Legislative Assembly Act

1st Reading

December 1st, 1978

2nd Reading

3rd Reading

THE HON. R. WELCH
Provincial Secretary for Justice

(Government Bill)

3
BILL 192

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Legislative Assembly Act**

THE HON. R. WELCH
Provincial Secretary for Justice



BILL 192

1978

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1 and amended by 1977, chapter 69, section 1, is repealed and the following substituted therefor: s. 60 (1),
re-enacted

(1) An indemnity at the rate of \$20,012 per annum shall be paid to every member of the Assembly. Members'
indemnities

(2) Subsection 2 of the said section 60, as amended by the Statutes of Ontario, 1973, chapter 151, section 1, is repealed and the following substituted therefor: s. 60 (2),
re-enacted

(2) An allowance for expenses at the rate of \$7,800 per annum shall be paid to every member of the Assembly. Members'
allowances,

(3) Subsection 5 of the said section 60, as re-enacted by the Statutes of Ontario, 1977, chapter 26, section 1 and amended by 1977, chapter 69, section 1, is repealed and the following substituted therefor: s. 60 (5),
re-enacted

(5) Notwithstanding subsection 4, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity not exceeding one-twelfth of his annual indemnity per month and any part of his allowance for expenses not exceeding one-twelfth of his annual allowance for expenses per month. Advances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 2, is repealed and the following substituted therefor: s. 61,
re-enacted

Allowance
for expenses
of repre-
sentation

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation,

- (a) to the Premier, at the rate of \$4,680 per annum;
- (b) to the Leader of the Opposition, at the rate of \$3,120 per annum;
- (c) to the Speaker, at the rate of \$2,080 per annum; and
- (d) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,560 per annum.

s. 62 (1),
re-enacted

3. Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 3, is repealed and the following substituted therefor:

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$9,360 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$18,720 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,200 per annum.

s. 62a,
re-enacted

4. Section 62a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 151, section 4, is repealed and the following substituted therefor:

Cost of
accommoda-
tion in
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,240 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan

Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,240 in any year.

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 5, is repealed and the following substituted therefor: s. 63 (1),
re-enacted

(1) In addition to his indemnity as a member, an indemnity shall be paid, Chairman and
Deputy
Chairman of
Whole House
and Chairmen
of standing
committees,
indemnity

(a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$5,200 per annum;

(b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$3,120 per annum; and

(c) to the chairman of each standing committee at the rate of \$2,080 per annum.

6. Subsection 1 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 6, is repealed and the following substituted therefor: s. 64 (1),
re-enacted

(1) In addition to his indemnity as a member, an indemnity shall be paid, Whips,
indemnities

(a) to the Chief Government Whip, at the rate of \$5,200 per annum;

(b) to the Deputy Government Whip, at the rate of \$3,120 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,080 per annum;

(d) to the Chief Opposition Whip, at the rate of \$3,120 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,080 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$2,600 per annum, and

- (ii) to the Party Whip of the party, at the rate of \$2,080 per annum.

s. 65 (5),
re-enacted

7. Subsection 5 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 60, section 1, is repealed and the following substituted therefor:

air travel
and accom-
modation
costs within
certain
electoral
districts or
under special
circumstances

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,600 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,600 in any year.

s. 66 (1),
amended

8. Subsection 1 of section 66 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 24, section 3, is further amended by striking out the first, second, third and fourth lines and inserting in lieu thereof the following:

(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of \$52, and to the chairman thereof an allowance for expenses of \$62, and.

s. 67,
re-enacted

9. Section 67 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 151, section 8, is repealed and the following substituted therefor:

Severance
allowance

67.—(1) A person who is a member of the Assembly immediately before the Assembly is dissolved or is ended by the passage of time and who does not become a member of the next following Assembly shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force immediately before he ceased to be a member.

Severance
allowance on
resignation

(2) A member of the Assembly who resigns his seat shall be paid a severance allowance equal to one-quarter of his annual indemnity as a member at the rate in force on the day he ceases to be a member.

Payment to
personal
representative
on death of
member

(3) Where a person who is a member of the Assembly dies, whether before the Assembly is dissolved or is ended

by the passage of time or after dissolution or ending of the Assembly but before the polling day that follows the dissolution or ending, an amount equal to one-quarter of his annual indemnity as a member at the rate in force on the day of his death or immediately before the dissolution or ending, as the case requires, shall be paid to his personal representative.

- 10.** Section 68 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 116, section 2, is repealed and the following substituted therefor: s. 68,
re-enacted

68. In addition to his indemnity as a member, an indemnity shall be paid, House
Leaders'
indemnities

(a) to the Opposition House Leader at the rate of \$5,200 per annum; and

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$2,600 per annum.

- 11.** The said Act is amended by adding thereto the following section: s. 70a,
enacted

70a.—(1) In this section, “Commission” means the Commission on Election Contributions and Expenses established under *The Election Finances Reform Act, 1975*. Interpretation
1975, c. 12

(2) The Commission each year shall review and make such recommendations as it considers proper in respect of the indemnities and allowances of members of the Assembly under this Act. Review of
indemnities
and
allowances

(3) The Commission shall report its recommendations to the Speaker and the Speaker shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. Annual
report

- 12.**—(1) This Act, except sections 9 and 11, shall be deemed to have come into force on the 1st day of October, 1978. Commence-
ment

(2) Section 9 shall be deemed to have come into force on the 21st day of February, 1978. Idem

(3) Section 11 comes into force on the 1st day of April, 1979. Idem

- 13.** The short title of this Act is *The Legislative Assembly Amendment Act, 1978*. Short title

An Act to amend
The Legislative Assembly Act

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

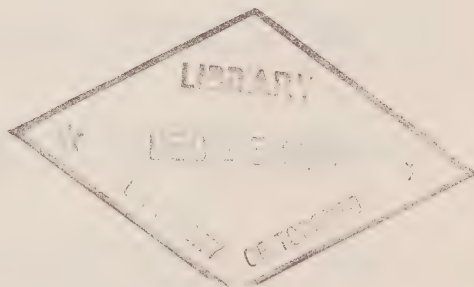
December 12th, 1978

THE HON. R. WELCH
Provincial Secretary for Justice

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise
The Ontario School Trustees' Council Act

THE HON. B. STEPHENSON
Minister of Education and Minister of Colleges and Universities



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill is a re-enactment of *The Ontario School Trustees' Council Act*. The principal changes are:

1. To permit the admission of other associations to be provided for by by-law.
2. To guarantee equal representation of associations on the Council and Executive.
3. To clarify matters of internal procedure and management.

BILL 193

1978

An Act to revise The Ontario School Trustees' Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Council" means the Ontario School Trustees' Council;
- (b) "member association" means an association that is a member of the Council;
- (c) "school board" means a board of education, public school board, secondary school board, Roman Catholic separate school board, or Protestant separate school board.

2.—(1) The Ontario School Trustees' Council, a corporation established under *The Ontario School Trustees' Council Act, 1953*, is continued.

Council
continued
1953, c. 77

(2) The Council may provide by by-law for the admission of associations of school boards and associations of school trustees as members of the Council.

Member
associations

(3) Each member association may appoint persons to represent it on the Council in such manner and numbers as are provided for in the by-laws of the Council, and the number of councillors shall be the same for each member association.

Members
of Council

(4) The persons representing member associations on the Council who are in office immediately before this Act comes into force shall continue in office as councillors until their successors are appointed in accordance with this Act and the by-laws of the Council.

Continuation
of
membership

Objects

3.—(1) The objects of the Council are,

- (a) to promote and advance the cause of education;
- (b) to provide a medium of communicating to the Ministry of Education and to The Ontario Teachers' Federation the considered views of the member associations on educational and administrative matters within the jurisdiction of school trustees on all matters of mutual concern to the member associations;
- (c) to work co-operatively for the mutual benefit of all member associations, to consider matters relating to education and school administration which are of common interest to the member associations, to encourage better understanding between the trustees and the public, and to work for continued improvement in the educational system. -

Objection
to dealing
with certain
matters

(2) Where, at a meeting of the councillors, a councillor objects to the Council's dealing with a matter on the grounds that to do so would be detrimental to the best interests of the member association that he represents, the Council may discuss the matter but shall not reach a decision or make a recommendation or take other action on the matter without the consent of the member association.

Executive
Committee
of the
Council

4.—(1) There shall be an Executive Committee composed of persons elected by the councillors from among themselves in such numbers and manner as is provided in the by-laws.

Repre-
sentative
membership

(2) The membership of the Executive Committee shall contain equal representation from the councillors appointed by each member association.

Duties and
powers

(3) The Executive Committee is responsible for carrying on the general business of the Council and may,

- (a) acquire and hold in the name of the Council such real and personal property as may be necessary for the purposes of the Council and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;
- (b) invest the funds of the Council in any securities in which a trustee is authorized to invest money under *The Trustee Act*;
- (c) make such grants as it may deem advisable to organizations having the same or like objects as the Council.

5. The Council may from time to time pass such by-laws ^{By-laws} as are considered necessary for conducting its affairs and carrying out its objects.

6. *The Ontario School Trustees' Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1970 and *The Ontario School Trustees' Council Amendment Act, 1974*, being chapter 65, are repealed. ^{Repeals}

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

8. The short title of this Act is *The Ontario School Trustees' Council Act, 1978*. ^{Short title}

An Act to revise
The Ontario School Trustees'
Council Act

1st Reading

December 1st, 1978

2nd Reading

3rd Reading

THE HON. B. STEPHENSON
Minister of Education and Minister of
Colleges and Universities

(Government Bill)

3
B
-B56
BILL 193

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978 *Legislation Assembly*

**An Act to revise
The Ontario School Trustees' Council Act**

THE HON. B. STEPHENSON
Minister of Education and Minister of Colleges and Universities



BILL 193

1978

An Act to revise The Ontario School Trustees' Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Council" means the Ontario School Trustees' Council;
- (b) "member association" means an association that is a member of the Council;
- (c) "school board" means a board of education, public school board, secondary school board, Roman Catholic separate school board, or Protestant separate school board.

2.—(1) The Ontario School Trustees' Council, a corporation established under *The Ontario School Trustees' Council Act, 1953*, is continued.

Council
continued
1953, c. 77

(2) The Council may provide by by-law for the admission of associations of school boards and associations of school trustees as members of the Council.

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associations

(3) Each member association may appoint persons to represent it on the Council in such manner and numbers as are provided for in the by-laws of the Council, and the number of councillors shall be the same for each member association.

Members
of Council

(4) The persons representing member associations on the Council who are in office immediately before this Act comes into force shall continue in office as councillors until their successors are appointed in accordance with this Act and the by-laws of the Council.

Continuation
of
membership

Objects

3.—(1) The objects of the Council are,

- (a) to promote and advance the cause of education;
- (b) to provide a medium of communicating to the Ministry of Education and to The Ontario Teachers' Federation the considered views of the member associations on educational and administrative matters within the jurisdiction of school trustees on all matters of mutual concern to the member associations;
- (c) to work co-operatively for the mutual benefit of all member associations, to consider matters relating to education and school administration which are of common interest to the member associations, to encourage better understanding between the trustees and the public, and to work for continued improvement in the educational system.

Objection
to dealing
with certain
matters

(2) Where, at a meeting of the councillors, a councillor objects to the Council's dealing with a matter on the grounds that to do so would be detrimental to the best interests of the member association that he represents, the Council may discuss the matter but shall not reach a decision or make a recommendation or take other action on the matter without the consent of the member association.

Executive
Committee
of the
Council

4.—(1) There shall be an Executive Committee composed of persons elected by the councillors from among themselves in such numbers and manner as is provided in the by-laws.

Repre-
sentative
membership

(2) The membership of the Executive Committee shall contain equal representation from the councillors appointed by each member association.

Duties and
powers

(3) The Executive Committee is responsible for carrying on the general business of the Council and may,

- (a) acquire and hold in the name of the Council such real and personal property as may be necessary for the purposes of the Council and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;
- (b) invest the funds of the Council in any securities in which a trustee is authorized to invest money under *The Trustee Act*;
- (c) make such grants as it may deem advisable to organizations having the same or like objects as the Council.

5. The Council may from time to time pass such by-laws ^{By-laws} as are considered necessary for conducting its affairs and carrying out its objects.

6. *The Ontario School Trustees' Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1970 and *The Ontario School Trustees' Council Amendment Act, 1974*, being chapter 65, are repealed. ^{Repeals}

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

8. The short title of this Act is *The Ontario School Trustees' Council Act, 1978*. ^{Short title}

An Act to revise
The Ontario School Trustees'
Council Act

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. B. STEPHENSON
Minister of Education and Minister of
Colleges and Universities

1356

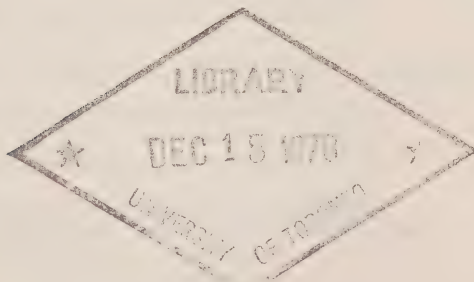
BILL 194

Government
Publications
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend and repeal certain Acts administered
by the Ministry of Agriculture and Food**

THE HON. W. NEWMAN
Minister of Agriculture and Food



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The main purpose of the Bill is,

- (a) to abolish thirteen licensing and registration review boards established under various Acts administered by the Ministry of Agriculture and Food and to establish the Agricultural Licensing and Registration Review Board (section 1 of the Bill) to carry out the present functions of such boards;
- (b) to establish the Farm Products Appeal Board which will assume the appellate functions of The Farm Products Marketing Board and The Milk Commission of Ontario (sections 1, 7, 9, 15 and 16 of the Bill);
- (c) to repeal *The Ontario Producers, Processors, Distributors and Consumers Food Council Act* and *The Pregnant Mare Urine Farms Act* (sections 17 and 19 of the Bill); and
- (d) to redefine "Director" for the purposes of *The Farm Products Grades and Sales Act* and *The Milk Act* (sections 8 (1) (2) and 15 (1) (2) of the Bill and to delete the reference to the Director in *The Seed Potatoes Act* (section 22 of the Bill).

The licensing and registration review boards that will be abolished are those boards now established under the following Acts:

1. *The Agricultural Tile Drainage Act, 1972* (section 2 of the Bill).
2. *The Animals for Research Act* (section 3 of the Bill).
3. *The Artificial Insemination of Live Stock Act* (section 4 of the Bill).
4. *The Dead Animal Disposal Act* (section 6 of the Bill).
5. *The Farm Products Grades and Sales Act* (section 8 of the Bill).
6. *The Grain Elevator Storage Act* (section 10 of the Bill).
7. *The Live Stock and Live Stock Products Act* (section 11 of the Bill).
8. *The Live Stock Community Sales Act* (section 12 of the Bill).
9. *The Live Stock Medicines Act, 1973* (section 13 of the Bill).
10. *The Meat Inspection Act* (section 14 of the Bill).
11. *The Plant Diseases Act* (section 18 of the Bill).
12. *The Provincial Auctioneers Act* (section 20 of the Bill).
13. *The Riding Horse Establishments Act, 1972* (section 21 of the Bill).

Hearings under *The Commodity Board Members Act, 1976* will be conducted by the Farm Products Appeal Tribunal (section 5 of the Bill). At present, any such hearing would be conducted by The Farm Products Marketing Board or The Milk Commission of Ontario.

**An Act to amend and repeal certain Acts
administered by
the Ministry of Agriculture and Food**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:
 - 9.—(1) A board to be known as the “Agricultural Licensing and Registration Review Board” is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council. Board established
R.S.O. 1970,
c. 109,
amended
 - (2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and one or more of the remaining members as vice-chairman. Chairman
and vice-
chairman
 - (3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman. Alternate
chairman
 - (4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Board to divisions thereof and may change any such assignment at any time. Assignment
to divisions
of Board
 - (5) Where a member of the Board resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Board. Member may
complete
duties, etc.
 - (6) The chairman or a vice-chairman and two members constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board. Quorum

Board may sit in divisions	(7) The Board may sit in two or more divisions simultaneously so long as a quorum of the Board is present in each division.
Decisions	(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.
Practice and procedure 1971, c. 47	(9) The Board may, subject to <i>The Statutory Powers Procedure Act, 1971</i> , and to the provisions of the Act under which a hearing is held, determine its own practice and procedure.
Remuneration	(10) Members of the Board who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.
Tribunal established	10.—(1) A board to be known as the "Farm Products Appeal Tribunal" is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.
Chairman and vice-chairman	(2) The Lieutenant Governor in Council may appoint one of the members of the Tribunal as chairman and one or more of the remaining members as vice-chairman.
Alternate chairman	(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman.
Assignment to divisions of Tribunal	(4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Tribunal to divisions thereof and may change any such assignment at any time.
Member may complete duties, etc.	(5) Where a member of the Tribunal resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Tribunal.
Quorum	(6) The chairman or vice-chairman and two members constitute a quorum and are sufficient for the exercise of all of the jurisdiction and powers of the Tribunal.
Tribunal may sit in divisions	(7) The Tribunal may sit in two or more divisions simultaneously so long as a quorum of the Tribunal is present in each division.

(8) The decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs. Decisions

(9) The Tribunal may, subject to this Act and *The Statutory Powers Procedure Act, 1971*, determine its own practice and procedure. Practice and procedure
1971, c. 47

(10) Members of the Tribunal who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

11. In sections 12, 13 and 14,

Interpre-
tation

(a) "Board" means The Farm Products Marketing Board;

(b) "Commission" means The Milk Commission of Ontario;

(c) "Director" means the Director appointed under *The Milk Act*; R.S.O. 1970,
c. 273

(d) "local board" means a local board constituted under *The Farm Products Marketing Act*;

R.S.O. 1970,
c. 162

(e) "marketing board" means a marketing board constituted under *The Milk Act*;

(f) "Tribunal" means the Farm Products Appeal Tribunal.

12.—(1) Subject to subsection 4, where a person considers himself aggrieved by any order, direction or decision of the Board, the Commission or the Director, made under *The Farm Products Marketing Act* or *The Milk Act*, as the case may be, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal. Appeal to
Tribunal

(2) Subject to subsections 4 and 5, where any person considers himself aggrieved by any order, direction, decision or regulation made under *The Farm Products Marketing Act* by a local board or under *The Milk Act* by a marketing board, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal. Idem

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. Contents
of notice

Tribunal
may refuse
to hear
appeal

(4) Notwithstanding anything in this section, the Tribunal, in respect of an appeal commenced after this section comes into force, may refuse to hear the appeal or, after a hearing has commenced, refuse to continue the hearing or make a decision if it relates to any order, direction, decision or regulation of which the appellant has had knowledge for more than two years before the notice is served under subsection 1 or 2 or, if in its opinion,

(a) the subject-matter of the appeal is trivial;

(b) the appeal is frivolous or vexatious or is not made in good faith; or

(c) the appellant has not a sufficient personal interest in the subject-matter of the appeal.

Application
for recon-
sideration
of order, etc.

(5) No appeal may be taken from any order, direction, decision or regulation of a local board or a marketing board unless,

(a) the appellant has first applied to the local board or marketing board for reconsideration thereof under section 13 and the local board or marketing board has refused to grant, in whole or in part, the relief requested by the appellant; or

(b) the appellant and the local board or marketing board have waived their respective rights under section 13 in writing.

Persons
entitled
to notice

(6) Upon receipt of a notice under subsection 1 or 2, the Tribunal shall forthwith notify the Board, the Commission, the local board, the marketing board or the Director where any such body or the Director has an interest in the subject-matter of the appeal and such body or the Director, as the case may be, shall thereupon forthwith provide the Tribunal with all relevant by-laws, documents or other materials, of any kind whatsoever, in its or his possession.

Notice of
date, etc.,
of hearing

(7) In any appeal under subsection 1 or 2, the Tribunal shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal and upon any body entitled to receive notice under subsection 6 or the Director, as the case may be, of the date, time and place at which the appeal will be heard.

(8) The Tribunal shall hear and decide any appeal under subsection 1 or 2 within thirty days after the date set for the hearing, but the Tribunal may, at the request of any party to the proceedings, adjourn the hearing from time to time for such period or periods of time as the Tribunal considers just. ^{Hearing of appeal}

(9) At any hearing under this section, the person making the appeal and any person entitled to receive notice under subsection 6 are parties to the appeal and *The Statutory Powers Procedure Act, 1971*, c. 47 ^{Parties} applies. ^{1971, c. 47}

(10) Upon an appeal to the Tribunal under subsection 1 or 2, the Tribunal may by order direct the Board, the Commission, the local board, the marketing board or the Director, as the case may be, to take such action as it or he is authorized to take under *The Farm Products Marketing Act* or *The Milk Act* and as the Tribunal considers proper, and for this purpose the Tribunal may substitute its opinion for that of the Board, the Commission, the local board, the marketing board or the Director. ^{Powers of Tribunal on appeal} ^{R.S.O. 1970, cc. 162, 273}

(11) The Tribunal shall, within ten days after the hearing is completed, serve notice of its decision upon all parties to the appeal and upon the Minister. ^{Notice of decision}

(12) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. ^{Objection to proceeding}

(13) Where a notice is served under this section, it may be served personally or, ^{Service of notice}

(a) where the notice is served on the Board, the Commission, the local board, the marketing board, the Tribunal or the Director, by mailing the notice to it or him at its or his usual business address; or

(b) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

(14) After the Tribunal has decided an appeal under this section, the Tribunal may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing. ^{Tribunal may reopen hearing}

Request for reconsideration of order, etc.

13.—(1) Where any person considers himself aggrieved by an order, direction or decision of the Board, the Commission, a local board, a marketing board, the Tribunal or the Director, he may by written application therefor request it or him to reconsider such order, direction or decision.

Decision not to be varied without hearing

(2) On any application under subsection 1, the body considering the application or the Director, as the case may be, shall not vary or rescind its or his decision adversely to the interests of any person without holding a hearing to which such person is a party and may make such decision after such hearing as it or he considers proper under any law applicable thereto.

Request for reconsideration of regulation

(3) Where any person is affected by any regulation made by a local board or a marketing board, he may request the local board or marketing board, as the case may be, to reconsider the regulation by serving upon the local board or the marketing board written notice of the request.

Idem

(4) Where any person is affected by any regulation made by the Board or the Commission, he may request the Board or the Commission to reconsider the regulation by serving upon the Board or the Commission written notice of the request.

Hearing

(5) On receipt of a notice under subsection 3 or 4, the body considering the request shall hold, or shall afford to the person making the request an opportunity for, a hearing.

1971, c. 47, applies

(6) *The Statutory Powers Procedure Act, 1971* applies to a hearing under this section.

Powers of Minister

14.—(1) Within thirty days after receipt by the Minister of a decision of the Tribunal under this Act or within such longer period as may be determined by the Minister within such thirty day period, the Minister may,

- (a) vary the whole or any part of the decision;
- (b) substitute for the decision of the Tribunal such decision as he considers appropriate; or
- (c) by notice to the Tribunal require the Tribunal to hold a new hearing of the whole or any part of the matter appealed to the Tribunal and reconsider its decision.

Decision is final

(2) Subject to subsection 3, a decision of the Tribunal is final after the expiration of the period or periods mentioned in subsection 1 unless, under subsection 1, the decision is

varied or a decision is substituted for the decision of the Tribunal or a new hearing is required.

(3) A decision of the Tribunal that has been varied under ^{Idem} clause *a* or that has been substituted for the decision of the Tribunal under clause *b* of subsection 1 is final.

(4) The Minister shall give notice, together with written reasons therefor, of any variation, substitution or requirement of a new hearing under subsection 1 to all parties to the appeal and to the Tribunal. ^{Notice to be given by Minister}

2.—(1) Clause *a* of section 1 of *The Agricultural Tile Drainage Installation Act, 1972*, being chapter 38, is repealed and ^{1972, c. 38, s. 1 (a), re-enacted} the following substituted therefor:

(a) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*. ^{R.S.O. 1970, c. 109}

(2) Section 8 of the said Act is repealed. ^{s. 8, repealed}

3.—(1) Clause *j* of section 1 of *The Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 22, s. 1 (j), re-enacted}

(j) “Review Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 2 of the said Act is repealed. ^{s. 2, repealed}

4.—(1) Clause *aa* of section 1 of *The Artificial Insemination of Live Stock Act*, being chapter 30 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 119, section 2, is repealed and the following substituted therefor: ^{R.S.O. 1970, c. 30, s. 1 (aa), re-enacted}

(aa) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 9d of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 9 and amended by 1973, chapter 119, section 6, is repealed. ^{s. 9d, repealed}

5.—(1) Clause *e* of subsection 1 of section 1 of *The Commodity Board Members Act, 1976*, being chapter 7, is repealed and the following substituted therefor: ^{1976, c. 7, s. 1 (1) (e), re-enacted}

R.S.O. 1970,
c. 109

(e) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*.

1976, c. 7,
amended

(2) The said Act is amended,

(a) by striking out "having jurisdiction over that commodity board" in the third and fourth lines of section 3;

(b) by striking out "proper" in the fifth line of subsection 1 of section 4; and

(c) by striking out "a" where it occurs the first time in the first line of subsection 2 of section 5 and inserting in lieu thereof "the".

R.S.O. 1970,
c. 105,
s. 1 (a),
re-enacted

6.—(1) Clause *a* of section 1 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board under *The Ministry of Agriculture and Food Act*.

s. 5e,
repealed

(2) Section 5e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed.

R.S.O. 1970,
c. 138,
s. 1 (ab),
repealed

7.—(1) Clause *ab* of section 1 of *The Edible Oil Products Act*, being chapter 138 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, is repealed.

s. 1,
amended

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 34 and 1972, chapter 9, section 1, is further amended by adding thereto the following clause:

(g) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*.

ss. 4e, 4f, 4g,
amended

(3) Sections 4e, 4f and 4g of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, are amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Tribunal".

8.—(1) Clauses *b* and *g* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 6, section 1, are repealed and the following substituted therefor:

(*b*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*; R.S.O. 1970,
c. 161,
s. 1 (*b*) (*g*),
re-enacted

(*g*) “Director” means the Director appointed under this Act.

(2) Section 5 of the said Act is repealed and the following substituted therefor: s. 5,
re-enacted

5. The Minister may appoint a Director to administer and enforce this Act and inspectors and graders whose duties are to carry out the provisions of this Act. Minister
may appoint
Director,
etc.

(3) Section 9*h* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 6, section 3, is repealed. s. 9*h*,
repealed

9. Section 11 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 162,
s. 11,
repealed

10.—(1) Clause *a* of section 1 of *The Grain Elevator Storage Act*, being chapter 195 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 88, section 1, is repealed and the following substituted therefor: R.S.O. 1970,
c. 195,
s. 1 (*a*),
re-enacted

(*a*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 8*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 88, section 2, is repealed. s. 8*c*,
repealed

11.—(1) Clause *a* of section 1 of *The Live Stock and Live Stock Products Act*, being chapter 251 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor: R.S.O. 1970,
c. 251,
s. 1 (*a*)
re-enacted

(*a*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 2e,
repealed

- (2) Section 2e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed.

R.S.O. 1970,
c. 253,
s. 1 (a),
re-enacted

- 12.—**(1) Clause *a* of section 1 of *The Live Stock Community Sales Act*, being chapter 253 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

R.S.O. 1970,
c. 109

- (2) Section 3e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed.

s. 3e,
repealed

1973, c. 80,
s. 1 (a),
re-enacted

- 13.—**(1) Clause *a* of section 1 of *The Live Stock Medicines Act*, 1973, being chapter 80, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 9,
repealed

- (2) Section 9 of the said Act is repealed.

R.S.O. 1970,
c. 266,
s. 1 (aa),
re-enacted

- 14.—**(1) Clause *aa* of section 1 of *The Meat Inspection Act (Ontario)*, being chapter 266 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed and the following substituted therefor:

(aa) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 3e,
repealed

- (2) Section 3e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed.

R.S.O. 1970,
c. 273,
s. 1, par. 8a,
re-enacted

- 15.—**(1) Paragraph 8a of section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 162, section 1, is repealed and the following substituted therefor:

8a. "Director" means the Director appointed under this Act.

s. 12a,
amended

- (2) Section 12a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 162, section 4, is amended by renumbering subsections 1, 2, 3 and 4 as subsections 2, 3,

4 and 5, respectively, and by adding thereto the following subsection:

(1) The Minister may appoint a Director for the purposes of this Act. Minister
may appoint
Director

(3) Section 26, as amended by the Statutes of Ontario, 1972, ss. 26, 26a, chapter 162, section 10, and sections 26a and 26b, as enacted by the Statutes of Ontario, 1972, chapter 162, section 11, of the said Act, are repealed. 26b,
repealed

16.—(1) Clause *ab* of section 1 of *The Oleomargarine Act*, being chapter 304 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 60, is repealed. R.S.O. 1970,
c. 304,
s. 1 (*ab*),
repealed

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 60, is further amended by adding thereto the following clause: s. 1,
amended

(f) “Tribunal” means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*. R.S.O. 1970,
c. 109

(3) Sections 6e, 6f and 6g of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 60, are amended by striking out “Commission” wherever it occurs and inserting in lieu thereof in each instance “Tribunal”. ss. 6e, 6f, 6g,
amended

17. *The Ontario Producers, Processors, Distributors and Consumers Food Council Act*, being chapter 328 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 328,
repealed

18.—(1) Clause *a* of section 1 of *The Plant Diseases Act*, being chapter 350 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 67, is repealed and the following substituted therefor: R.S.O. 1970,
c. 350,
s. 1 (*a*),
re-enacted

(a) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 4e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 67, is repealed. s. 4e,
repealed

19. *The Pregnant Mare Urine Farms Act*, being chapter 359 of the Revised Statutes of Ontario, 1970, section 68 of the Statutes of Ontario, 1971, chapter 50 and the Statutes of Ontario, 1975, chapter 54, are repealed. R.S.O. 1970,
c. 359;
1971, c. 50,
s. 68;
1975, c. 54,
repealed

R.S.O. 1970,
c. 368,
s. 1 (a),
re-enacted

- 20.**—(1) Clause *a* of section 1 of *The Provincial Auctioneers Act*, being chapter 368 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 69, is repealed and the following substituted therefor:

(a) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

R.S.O. 1970,
c. 109

- (2) Section 1*e* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 69, is repealed.

1972, c. 59,
s. 1 (a),
re-enacted

- 21.**—(1) Clause *a* of section 1 of *The Riding Horse Establishments Act*, 1972, being chapter 59, is repealed and the following substituted therefor:

(a) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 2,
repealed

- (2) Section 2 of the said Act is repealed.

R.S.O. 1970,
c. 429,
s. 1 (b),
repealed

- 22.**—(1) Clause *b* of section 1 of *The Seed Potatoes Act*, being chapter 429 of the Revised Statutes of Ontario, 1970, is repealed.

s. 3,
re-enacted

- (2) Section 3 of the said Act is repealed and the following substituted therefor:

Copy of
by-law
to be sent
to Ministry

3. The clerk shall send a certified copy of a by-law passed under section 2 to the Ministry of Agriculture and Food within seven days after it is passed.

Transitional

- 23.** Where, on the day this Act comes into force, any matter of a kind that may be appealed to the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal is pending before The Farm Products Marketing Board, The Milk Commission of Ontario or any board established under a provision that is repealed by this Act and,

(a) no hearing has been commenced, the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal, as the case may be, is seized of the matter and may deal with it as if the matter had been originally directed to it; or

(b) a hearing has been commenced, the body before which the hearing has been commenced may complete its hearing and may decide the matter as fully and effec-

tively for all purposes as if this Act had not been enacted or may, in its discretion, direct that the matter be referred to and commenced anew before the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal, as the case may be.

- 24.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
- 25.** The short title of this Act is *The Ministry of Agriculture and Food Statute Law Amendment and Repeal Act, 1978.* Short title

An Act to amend and repeal
certain Acts administered by the
Ministry of Agriculture and Food

1st Reading

December 1st, 1978

2nd Reading

3rd Reading

THE HON. W. NEWMAN
Minister of Agriculture and Food

(Government Bill)

B
B 56

3
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BILL 194

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**An Act to amend and repeal certain Acts administered
by the Ministry of Agriculture and Food**

THE HON. W. NEWMAN
Minister of Agriculture and Food



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BILL 194

1978

**An Act to amend and repeal certain Acts
administered by
the Ministry of Agriculture and Food**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Agriculture and Food Act*, being chapter 109 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

R.S.O. 1970,
c. 109,
amended

9.—(1) A board to be known as the "Agricultural Licensing and Registration Review Board" is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.

Board
established

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and one or more of the remaining members as vice-chairman.

Chairman
and vice-
chairman

(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman.

Alternate
chairman

(4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Board to divisions thereof and may change any such assignment at any time.

Assignment
to divisions
of Board

(5) Where a member of the Board resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Board.

Member may
complete
duties, etc.

(6) The chairman or a vice-chairman and two members constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Quorum

Board may sit in divisions	(7) The Board may sit in two or more divisions simultaneously so long as a quorum of the Board is present in each division.
Decisions	(8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.
Practice and procedure 1971, c. 47	(9) The Board may, subject to <i>The Statutory Powers Procedure Act, 1971</i> , and to the provisions of the Act under which a hearing is held, determine its own practice and procedure.
Remuneration	(10) Members of the Board who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.
Tribunal established	10.—(1) A board to be known as the “Farm Products Appeal Tribunal” is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council.
Chairman and vice-chairman	(2) The Lieutenant Governor in Council may appoint one of the members of the Tribunal as chairman and one or more of the remaining members as vice-chairman.
Alternate chairman	(3) Where there is more than one vice-chairman, the Lieutenant Governor in Council shall designate one of the vice-chairmen as alternate chairman.
Assignment to divisions of Tribunal	(4) The chairman, or in the case of his absence or inability to act, the alternate chairman, shall from time to time assign the members of the Tribunal to divisions thereof and may change any such assignment at any time.
Member may complete duties, etc.	(5) Where a member of the Tribunal resigns or his term of office has expired, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matters in respect of which there was any proceeding in which he participated as a member of the Tribunal.
Quorum	(6) The chairman or vice-chairman and two members constitute a quorum and are sufficient for the exercise of all of the jurisdiction and powers of the Tribunal.
Tribunal may sit in divisions	(7) The Tribunal may sit in two or more divisions simultaneously so long as a quorum of the Tribunal is present in each division.

(8) The decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs. Decisions

(9) The Tribunal may, subject to this Act and *The Statutory Powers Procedure Act, 1971*, determine its own practice and procedure. The Practice and procedure 1971, c. 47

(10) Members of the Tribunal who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

11. In sections 12, 13 and 14,

Interpre-
tation

(a) "Board" means The Farm Products Marketing Board;

(b) "Commission" means The Milk Commission of Ontario;

(c) "Director" means the Director appointed under *The Milk Act*; R.S.O. 1970,
c. 273

(d) "local board" means a local board constituted under *The Farm Products Marketing Act*; R.S.O. 1970,
c. 162

(e) "marketing board" means a marketing board constituted under *The Milk Act*;

(f) "Tribunal" means the Farm Products Appeal Tribunal.

12.—(1) Subject to subsection 4, where a person considers himself aggrieved by any order, direction or decision of the Board, the Commission or the Director, made under *The Farm Products Marketing Act* or *The Milk Act*, as the case may be, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal. Appeal to
Tribunal

(2) Subject to subsections 4 and 5, where any person considers himself aggrieved by any order, direction, decision or regulation made under *The Farm Products Marketing Act* by a local board or under *The Milk Act* by a marketing board, he may appeal to the Tribunal by serving upon the Tribunal written notice of the appeal. Idem

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. Contents
of notice

Tribunal
may refuse
to hear
appeal

(4) Notwithstanding anything in this section, the Tribunal, in respect of an appeal commenced after this section comes into force, may refuse to hear the appeal or, after a hearing has commenced, refuse to continue the hearing or make a decision if it relates to any order, direction, decision or regulation of which the appellant has had knowledge for more than two years before the notice is served under subsection 1 or 2 or, if in its opinion,

(a) the subject-matter of the appeal is trivial;

(b) the appeal is frivolous or vexatious or is not made in good faith; or

(c) the appellant has not a sufficient personal interest in the subject-matter of the appeal.

Application
for recon-
sideration
of order, etc.

(5) No appeal may be taken from any order, direction, decision or regulation of a local board or a marketing board unless,

(a) the appellant has first applied to the local board or marketing board for reconsideration thereof under section 13 and the local board or marketing board has refused to grant, in whole or in part, the relief requested by the appellant; or

(b) the appellant and the local board or marketing board have waived their respective rights under section 13 in writing.

Persons
entitled
to notice

(6) Upon receipt of a notice under subsection 1 or 2, the Tribunal shall forthwith notify the Board, the Commission, the local board, the marketing board or the Director where any such body or the Director has an interest in the subject-matter of the appeal and such body or the Director, as the case may be, shall thereupon forthwith provide the Tribunal with all relevant by-laws, documents or other materials, of any kind whatsoever, in its or his possession.

Notice of
date, etc.,
of hearing

(7) In any appeal under subsection 1 or 2, the Tribunal shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal and upon any body entitled to receive notice under subsection 6 or the Director, as the case may be, of the date, time and place at which the appeal will be heard.

(8) The Tribunal shall hear and decide any appeal under subsection 1 or 2 within thirty days after the date set for the hearing, but the Tribunal may, at the request of any party to the proceedings, adjourn the hearing from time to time for such period or periods of time as the Tribunal considers just. ^{Hearing of appeal}

(9) At any hearing under this section, the person making the appeal and any person entitled to receive notice under subsection 6 are parties to the appeal and *The Statutory Powers Procedure Act, 1971* applies. ^{Parties 1971, c. 47}

(10) Upon an appeal to the Tribunal under subsection 1 or 2, the Tribunal may by order direct the Board, the Commission, the local board, the marketing board or the Director, as the case may be, to take such action as it or he is authorized to take under *The Farm Products Marketing Act* or *The Milk Act* and as the Tribunal considers proper, and for this purpose the Tribunal may substitute its opinion for that of the Board, the Commission, the local board, the marketing board or the Director. ^{Powers of Tribunal on appeal R.S.O. 1970, cc. 162, 273}

(11) The Tribunal shall, within ten days after the hearing is completed, serve notice of its decision upon all parties to the appeal and upon the Minister. ^{Notice of decision}

(12) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. ^{Objection to proceeding}

(13) Where a notice is served under this section, it may be served personally or, ^{Service of notice}

(a) where the notice is served on the Board, the Commission, the local board, the marketing board, the Tribunal or the Director, by mailing the notice to it or him at its or his usual business address; or

(b) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

(14) After the Tribunal has decided an appeal under this section, the Tribunal may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing. ^{Tribunal may reopen hearing}

Request for
reconsider-
ation of order,
etc.

13.—(1) Where any person considers himself aggrieved by an order, direction or decision of the Board, the Commission, a local board, a marketing board, the Tribunal or the Director, he may by written application therefor request it or him to reconsider such order, direction or decision.

Decision not
to be varied
without
hearing

(2) On any application under subsection 1, the body considering the application or the Director, as the case may be, shall not vary or rescind its or his decision adversely to the interests of any person without holding a hearing to which such person is a party and may make such decision after such hearing as it or he considers proper under any law applicable thereto.

Request for
reconsider-
ation of
regulation

(3) Where any person is affected by any regulation made by a local board or a marketing board, he may request the local board or marketing board, as the case may be, to reconsider the regulation by serving upon the local board or the marketing board written notice of the request.

Idem

(4) Where any person is affected by any regulation made by the Board or the Commission, he may request the Board or the Commission to reconsider the regulation by serving upon the Board or the Commission written notice of the request.

Hearing

(5) On receipt of a notice under subsection 3 or 4, the body considering the request shall hold, or shall afford to the person making the request an opportunity for, a hearing.

1971, c. 47,
applies

(6) *The Statutory Powers Procedure Act, 1971* applies to a hearing under this section.

Powers of
Minister

14.—(1) Within thirty days after receipt by the Minister of a decision of the Tribunal under this Act or within such longer period as may be determined by the Minister within such thirty day period, the Minister may,

- (a) vary the whole or any part of the decision;
- (b) substitute for the decision of the Tribunal such decision as he considers appropriate; or
- (c) by notice to the Tribunal require the Tribunal to hold a new hearing of the whole or any part of the matter appealed to the Tribunal and reconsider its decision.

Decision
is final

(2) Subject to subsection 3, a decision of the Tribunal is final after the expiration of the period or periods mentioned in subsection 1 unless, under subsection 1, the decision is

varied or a decision is substituted for the decision of the Tribunal or a new hearing is required.

(3) A decision of the Tribunal that has been varied under clause *a* or that has been substituted for the decision of the Tribunal under clause *b* of subsection 1 is final. Idem

(4) The Minister shall give notice, together with written reasons therefor, of any variation, substitution or requirement of a new hearing under subsection 1 to all parties to the appeal and to the Tribunal. Notice to be given by Minister

2.—(1) Clause *a* of section 1 of *The Agricultural Tile Drainage Installation Act, 1972*, being chapter 38, is repealed and the following substituted therefor: 1972, c. 38, s. 1 (a), re-enacted

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*. R.S.O. 1970, c. 109

(2) Section 8 of the said Act is repealed. s. 8, repealed

3.—(1) Clause *j* of section 1 of *The Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: R.S.O. 1970, c. 22, s. 1 (j), re-enacted

(j) "Review Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 2 of the said Act is repealed. s. 2, repealed

4.—(1) Clause *aa* of section 1 of *The Artificial Insemination of Live Stock Act*, being chapter 30 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 119, section 2, is repealed and the following substituted therefor: R.S.O. 1970, c. 30, s. 1 (aa), re-enacted

(aa) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 9*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 9 and amended by 1973, chapter 119, section 6, is repealed. s. 9*d*, repealed

5.—(1) Clause *e* of subsection 1 of section 1 of *The Commodity Board Members Act, 1976*, being chapter 7, is repealed and the following substituted therefor: 1976, c. 7, s. 1 (1) (e), re-enacted

R.S.O. 1970,
c. 109

- (e) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*.

1976, c. 7,
amended

- (2) The said Act is amended,
- (a) by striking out "having jurisdiction over that commodity board" in the third and fourth lines of section 3;
- (b) by striking out "proper" in the fifth line of subsection 1 of section 4; and
- (c) by striking out "a" where it occurs the first time in the first line of subsection 2 of section 5 and inserting in lieu thereof "the".

R.S.O. 1970,
c. 105,
s. 1 (a),
re-enacted

- 6.—(1) Clause *a* of section 1 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

- (a) "Board" means the Agricultural Licensing and Registration Review Board under *The Ministry of Agriculture and Food Act*.

s. 5e,
repealed

- (2) Section 5e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed.

R.S.O. 1970,
c. 138,
s. 1 (ab),
repealed

- 7.—(1) Clause *ab* of section 1 of *The Edible Oil Products Act*, being chapter 138 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, is repealed.

s. 1,
amended

- (2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 34 and 1972, chapter 9, section 1, is further amended by adding thereto the following clause:

- (g) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*.

ss. 4e, 4f, 4g,
amended

- (3) Sections 4e, 4f and 4g of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, are amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Tribunal".

8.—(1) Clauses *b* and *g* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 6, section 1, are repealed and the following substituted therefor:

(*b*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*; R.S.O. 1970,
c. 161,
s. 1 (*b*) (*g*),
re-enacted

(*g*) “Director” means the Director appointed under this Act.

(2) Section 5 of the said Act is repealed and the following substituted therefor: s. 5,
re-enacted

5. The Minister may appoint a Director to administer and enforce this Act and inspectors and graders whose duties are to carry out the provisions of this Act. Minister
may appoint
Director,
etc.

(3) Section 9*h* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 6, section 3, is repealed. s. 9*h*,
repealed

9. Section 11 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 162,
s. 11,
repealed

10.—(1) Clause *a* of section 1 of *The Grain Elevator Storage Act*, being chapter 195 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 88, section 1, is repealed and the following substituted therefor: R.S.O. 1970,
c. 195,
s. 1 (*a*),
re-enacted

(*a*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 8*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 88, section 2, is repealed. s. 8*c*,
repealed

11.—(1) Clause *a* of section 1 of *The Live Stock and Live Stock Products Act*, being chapter 251 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor: R.S.O. 1970,
c. 251,
s. 1 (*a*),
re-enacted

(*a*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

R.S.O. 1970,
c. 109

- (e) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*.

1976, c. 7,
amended

- (2) The said Act is amended,

- (a) by striking out "having jurisdiction over that commodity board" in the third and fourth lines of section 3;
- (b) by striking out "proper" in the fifth line of subsection 1 of section 4; and
- (c) by striking out "a" where it occurs the first time in the first line of subsection 2 of section 5 and inserting in lieu thereof "the".

R.S.O. 1970,
c. 105,
s. 1 (a),
re-enacted

- 6.—(1) Clause *a* of section 1 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed and the following substituted therefor:

- (a) "Board" means the Agricultural Licensing and Registration Review Board under *The Ministry of Agriculture and Food Act*.

s. 5e,
repealed

- (2) Section 5e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 26, is repealed.

R.S.O. 1970,
c. 138,
s. 1 (ab),
repealed

- 7.—(1) Clause *ab* of section 1 of *The Edible Oil Products Act*, being chapter 138 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, is repealed.

s. 1,
amended

- (2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 34 and 1972, chapter 9, section 1, is further amended by adding thereto the following clause:

- (g) "Tribunal" means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*.

ss. 4e, 4f, 4g,
amended

- (3) Sections 4e, 4f and 4g of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 34, are amended by striking out "Commission" wherever it occurs and inserting in lieu thereof in each instance "Tribunal".

- 8.—(1) Clauses *b* and *g* of section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 6, section 1, are repealed and the following substituted therefor:

(*b*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*; R.S.O. 1970,
c. 161,
s. 1 (*b*) (*g*),
re-enacted

(*g*) “Director” means the Director appointed under this Act.

- (2) Section 5 of the said Act is repealed and the following substituted therefor: s. 5,
re-enacted

5. The Minister may appoint a Director to administer and enforce this Act and inspectors and graders whose duties are to carry out the provisions of this Act. Minister
may appoint
Director,
etc.

- (3) Section 9*h* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 6, section 3, is repealed. s. 9*h*,
repealed

9. Section 11 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 162,
s. 11,
repealed

- 10.—(1) Clause *a* of section 1 of *The Grain Elevator Storage Act*, being chapter 195 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 88, section 1, is repealed and the following substituted therefor: R.S.O. 1970,
c. 195,
s. 1 (*a*),
re-enacted

(*a*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

- (2) Section 8*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 88, section 2, is repealed. s. 8*c*,
repealed

- 11.—(1) Clause *a* of section 1 of *The Live Stock and Live Stock Products Act*, being chapter 251 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor: R.S.O. 1970,
c. 251,
s. 1 (*a*),
re-enacted

(*a*) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 2e,
repealed

- (2) Section 2e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed.

R.S.O. 1970,
c. 253,
s. 1 (a),
re-enacted

- 12.—**(1) Clause *a* of section 1 of *The Live Stock Community Sales Act*, being chapter 253 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

R.S.O. 1970,
c. 109

s. 3e,
repealed

- (2) Section 3e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed.

1973, c. 80,
s. 1 (a),
re-enacted

- 13.—**(1) Clause *a* of section 1 of *The Live Stock Medicines Act*, 1973, being chapter 80, is repealed and the following substituted therefor:

(a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 9,
repealed

- (2) Section 9 of the said Act is repealed.

R.S.O. 1970,
c. 266,
s. 1 (aa),
re-enacted

- 14.—**(1) Clause *aa* of section 1 of *The Meat Inspection Act* (Ontario), being chapter 266 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed and the following substituted therefor:

(aa) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

s. 3e,
repealed

- (2) Section 3e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 56, is repealed.

R.S.O. 1970,
c. 273,
s. 1, par. 8a,
re-enacted

- 15.—**(1) Paragraph 8a of section 1 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 162, section 1, is repealed and the following substituted therefor:

8a. "Director" means the Director appointed under this Act.

s. 12a,
amended

- (2) Section 12a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 162, section 4, is amended by renumbering subsections 1, 2, 3 and 4 as subsections 2, 3,

4 and 5, respectively, and by adding thereto the following subsection:

(1) The Minister may appoint a Director for the purposes of this Act. Minister
may appoint
Director

(3) Section 26, as amended by the Statutes of Ontario, 1972, ^{ss. 26, 26a, 26b,} chapter 162, section 10, and sections 26a and 26b, ^{repealed} as enacted by the Statutes of Ontario, 1972, chapter 162, section 11, of the said Act, are repealed.

16.—(1) Clause *ab* of section 1 of *The Oleomargarine Act*, being ^{R.S.O. 1970,} chapter 304 of the Revised Statutes of Ontario, 1970, ^{c. 304,} as enacted by the Statutes of Ontario, 1971, chapter 50, ^{s. 1 (ab),} ^{repealed} section 60, is repealed.

(2) The said section 1, as amended by the Statutes of Ontario, ^{s. 1,} 1971, chapter 50, section 60, is further amended by adding ^{amended} thereto the following clause:

(f) “Tribunal” means the Farm Products Appeal Tribunal established under *The Ministry of Agriculture and Food Act*. R.S.O. 1970,
c. 109

(3) Sections 6e, 6f and 6g of the said Act, as enacted by ^{ss. 6e, 6f, 6g,} the Statutes of Ontario, 1971, chapter 50, section 60, are ^{amended} amended by striking out “Commission” wherever it occurs and inserting in lieu thereof in each instance “Tribunal”.

17. *The Ontario Producers, Processors, Distributors and Consumers Food Council Act*, being chapter 328 of the Revised Statutes R.S.O. 1970,
c. 328, of Ontario, 1970, is repealed. repealed

18.—(1) Clause *a* of section 1 of *The Plant Diseases Act*, being ^{R.S.O. 1970,} chapter 350 of the Revised Statutes of Ontario, 1970, ^{c. 350,} as enacted by the Statutes of Ontario, 1971, chapter 50, ^{s. 1 (a),} ^{re-enacted} section 67, is repealed and the following substituted therefor:

(a) “Board” means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*.

(2) Section 4e of the said Act, as enacted by the Statutes ^{s. 4e,} of Ontario, 1971, chapter 50, section 67, is repealed. repealed

19. *The Pregnant Mare Urine Farms Act*, being chapter 359 of ^{R.S.O. 1970,} the Revised Statutes of Ontario, 1970, ^{c. 359;} section 68 of the Statutes ^{1971, c. 50,} of Ontario, 1971, chapter 50 and the Statutes of Ontario, 1975, ^{s. 68;} chapter 54, are repealed. 1975, c. 54,
repealed

An Act to amend and repeal
certain Acts administered by the
Ministry of Agriculture and Food

1st Reading

December 1st, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

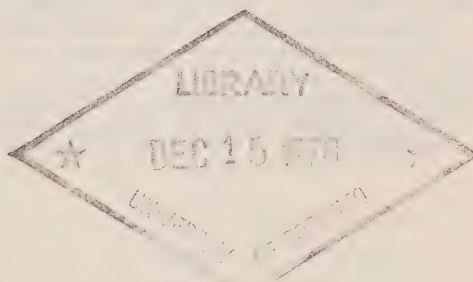
THE HON. W. NEWMAN
Minister of Agriculture and Food

B
B 55

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. This is a housekeeping amendment. Section 284 now reads as follows:

284. A by-law, in respect of the passing of which a contravention of any of the provisions of sections 178 to 180 has taken place, may be quashed.

Sections 178 to 180 of the Act were repealed by the Statutes of Ontario, 1972, chapter 121, section 11.

SECTION 2. The proposed subclause v of clause a of subsection 2 of section 312 extends the type of investments that a municipality may make when it has funds not immediately required by the municipality. This section will come into force on a day to be named by proclamation of the Lieutenant Governor.

SECTION 3. The proposed paragraph 24a of section 352 will permit municipalities to keep in their custody items of historical value or interest that are donated or loaned to the municipality.

The proposed paragraph 61 will permit municipalities to close roads on a temporary basis for social, recreational, community and athletic purposes.

BILL 195

1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 284 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 284,
repealed
2. Clause *a* of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, and amended by 1976, chapter 51, section 9, is further amended by striking out "or" at the end of subclause iv and by adding thereto the following subclause: s. 312 (2) (a),
amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act, 1976*; or 1976, c. 62

3. Section 352 of the said Act is amended by adding thereto the following paragraphs: s. 352,
amended

24a. For providing for keeping in the custody of the municipality things of historical value or interest donated or loaned to the municipality and for entering into agreements with the donor or lender for the keeping of such things. Things of
historical
interest

- (a) Section 216 does not apply to records, books, accounts and documents in the custody of a municipality pursuant to an agreement under this paragraph where the agreement contains provisions respecting the access of the public to such things.
- (b) Notwithstanding clause *a* or the terms of the agreement, section 216 applies where an agreement under this paragraph is made with a person who at the time of executing the agreement was an

employee or a member of the council of the municipality.

Temporary closing of highway for recreational purposes, etc.

61. For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law any highway or portion of a highway under the jurisdiction of the council for such social, recreational, community or athletic purpose, or combination of such purposes, as may be specified in the by-law.

(a) Clauses *a* and *b* of paragraph 60 apply with necessary modifications to every municipality where the council of the municipality has passed a by-law under this paragraph.

(b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a permit issued under the by-law upon such terms and conditions, including such fee for the permit, as may be set out in the by-law.

s. 354 (1), amended

4.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

Agreements with condominium corporations re roads, sewers and water pipes
R.S.O. 1970, c. 77

62a. For entering into agreements with a condominium corporation incorporated under *The Condominium Act* for,

- i. maintaining and repairing roads on the condominium property,
- ii. clearing away and removing snow and ice from roads on the condominium property, and
- iii. maintaining and repairing sewer pipes and water pipes installed on the condominium property for connecting buildings and other structures on the property with the sewage or water works of the municipality and for maintaining and repairing fire hydrants installed on the property,

and the agreement may be upon such terms and conditions, including terms as to the payment of fees, as are agreed upon.

(a) Where a municipality has entrusted the management of,

SECTION 4.—Subsection 1. The proposed paragraph 62*a* permits municipalities to enter into agreements with condominium corporations for the provision of such services as road maintenance, snow clearing and sewer and water pipe maintenance on the condominium property.

Subsection 2. Paragraph 97 of section 354 (1) now reads as follows:

97. *To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.*

- (a) *A by-law for changing the name of a highway does not have any force or effect until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the proper land registry office.*
- (b) *A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.*
- (c) *The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law and for hearing those advocating and opposing the change.*
- (d) *A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in The Ontario Gazette at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.*
- (e) *If the judge approves of the change, he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of registration.*

The re-enactment of paragraph 97 will simplify the procedure for renaming streets by removing the requirement for approval by a county or district court judge.

Subsection 3. The proposed paragraph 107a empowers municipalities to allow permit parking on municipal streets.

The proposed paragraph 107b empowers municipalities to exempt vehicles carrying physically handicapped people from the municipal parking by-laws. A permit system would be used to administer the system.

- (i) its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements with condominium corporations for the purposes, in relation to water works, mentioned in subparagraph iii of this paragraph, or
- (ii) its sewage works and its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements for the purposes mentioned in subparagraph iii of this paragraph.

- (2) Paragraph 97 of subsection 1 of the said section 354, as ^{s. 354 (1),} amended by the Statutes of Ontario, 1976, chapter 69, ^{par. 97,} ^{re-enacted} section 10, is repealed and the following substituted therefor:

97. To provide for surveying, settling and marking the ^{Highways,} boundary lines of highways and giving names to them or ^{boundaries} changing their names, and for affixing the names at the ^{and names} corners thereof, on public or private property.

- (a) A by-law changing the name of a highway has no ^{Procedures} effect until a copy of it, certified under the hand of ^{for changing} the clerk and the seal of the corporation, has been ^{name of} registered in the proper land registry office. ^{highway}

- (b) Before passing a by-law for changing the name of a highway,

- (i) notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality, and
- (ii) the council shall hear any person who claims that he will be adversely affected by the by-law and who applies to be heard.

- (3) Subsection 1 of the said section 354 is further amended ^{s. 354 (1),} ^{amended} by adding thereto the following paragraphs:

107a. For,

Permit
parking

- i. allowing the parking of motor vehicles or any class or classes thereof on designated parts of highways for specified periods and during specified hours pursuant to permits issued,

- ii. charging such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides,
- iii. providing for the commencement, expiry and cancellation of permits and the refunding of the fee for the unexpired portion of the permit period,
- iv. prohibiting the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways during specified hours except by authority of a permit, and
- v. providing for exemptions from parking, standing or stopping prohibitions of any by-law of the corporation regulating traffic where a permit is used.

R.S.O. 1970,
c. 201

(a) A by-law passed under this paragraph that affects a highway designated as a connecting link or extension of the King's Highway under subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* has no effect until it is approved by the Minister of Transportation and Communications.

(b) Clause *a* of paragraph 107 applies with necessary modifications to a by-law passed under this paragraph.

Parking for
handicapped
persons

107b. For exempting, pursuant to permits issued, the owners and drivers of vehicles operated by or carrying a physically handicapped person, as defined by the by-law, from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of motor vehicles on any highway or part thereof under the jurisdiction of the council.

(a) A by-law passed under this paragraph,

- (i) may provide for the issuing of permits in respect of vehicles that are operated by or that carry a physically handicapped person, as defined in the by-law,
- (ii) may provide for the manner by which such vehicles shall be identified,

Subsection 4. The proposed paragraph 112 of section 354 (1) contains more detailed provisions than the present paragraph 112 related to parking without consent on private or municipal property. Paragraph 112 now reads as follows:

112. For prohibiting the parking or leaving of motor vehicles on private property without authority from the owner or occupant of such property or on property of the municipality or any local board thereof where parking by the public is not authorized and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner thereof.

- (a) Clause a of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.*
- (b) Subsection 13 of section 116 of The Highway Traffic Act applies to a by-law passed under this paragraph.*
- (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.*
- (d) The driver or owner of a motor vehicle parked or left on private property is not liable to a penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the occupant or any adult resident of the property.*

The proposed paragraph 113 removes the present \$1.00 limit on the fee for bicycle licences and removes the present \$5.00 limit on penalties. Paragraph 113 now reads as follows:

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any kind or class thereof other than a motor vehicle and a trailer as defined in The Highway Traffic Act to obtain a licence therefor before using it upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

The proposed paragraph 113a will empower municipalities to licence "off-road" vehicles such as trail bikes and all-terrain vehicles that are not licensed under *The Highway Traffic Act* or *The Motorized Snow Vehicles Act, 1974*.

(iii) may regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued pursuant to a by-law passed under this paragraph and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council, and

(iv) shall prohibit the improper use or acquisition of a permit or any decal or other identifying marker issued in connection with the permit.

(4) Paragraphs 112 and 113 of subsection 1 of the said section 354 are repealed and the following substituted therefor: s. 354 (1),
pars. 112, 113,
re-enacted

112. For prohibiting the parking or leaving of motor vehicles, Prohibiting
parking on
private or
municipal
property

- i. on private property without the consent of the owner or occupant of the property, and
- ii. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.
 - (a) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.
 - (b) Subsection 13 of section 116 of *The Highway Traffic Act* and clause a of paragraph 107 of section 354 of this Act apply, with necessary modifications, to a by-law passed under this paragraph. R.S.O. 1970,
c. 202
 - (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.

(d) Subject to clause *f*, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(e) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

R.S.O. 1970,
c. 351

(f) A special constable appointed under *The Police Act*, in respect of a particular property, to enforce a by-law passed under this paragraph shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.

(g) In this paragraph,

(i) "owner" when used in relation to property means,

(A) the registered owner of the property,

(B) the registered owner of a condominium unit, whose consent shall extend only to the control of the land of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,

- (C) the spouse of a person described in sub-subclause A or B,
 - (D) where the property is included in a description registered under *The Condominium Act*, the board of directors of the condominium corporation, R.S.O. 1970,
c. 77
 - (E) a person authorized in writing by the property owner as defined in sub-subclause A, B, C or D to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph,
- (ii) "occupant" means,
- (A) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,
 - (B) the spouse of a tenant,
 - (C) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
 - (D) a person authorized in writing by an occupant as defined in sub-subclause A, B or C to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph.

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any class or classes thereof, other than a motor vehicle and a trailer as defined in *The* Licences for
wheeled
vehicles

Highway Traffic Act, to obtain a licence therefor before using it upon any highway of the municipality.

(a) A by-law under this paragraph,

- (i) may limit the weight or size of loads that may be carried on wheeled vehicles to which the by-law applies,
- (ii) may regulate the issuing of the licences, and
- (iii) may fix, and provide for the collection of, an annual fee for such licences which may be in different amounts for different classes of vehicles.

Licences for
motorized
vehicles

113a. Requiring the owners of motorized vehicles, or any class or classes thereof, to obtain a licence for such a vehicle before using it in the municipality.

(a) A by-law passed under this paragraph does not apply where,

- (i) the vehicle is being used upon a highway,
- (ii) the vehicle is being used by an owner or occupant of land on land he owns or occupies,
- (iii) the vehicle is being used with the consent of the owner or occupant of the land on which the vehicle is being used, or
- (iv) the vehicle is licensed under *The Highway Traffic Act* or under *The Motorized Snow Vehicles Act, 1974*.

R.S.O. 1970,
c. 202
1974, c. 113

(b) A by-law passed under this paragraph,

- (i) may regulate the issuing of the licences, and
- (ii) may fix, and provide for the collection of, an annual fee for such licences.

(c) Clause *g* of paragraph 112 applies with necessary modifications to the interpretation of this paragraph.

s. 354 (1),
amended

(5) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraph:

Subsection 5. The proposed paragraph 131*a* is complementary to the proposed paragraph 107*b* and would empower municipalities to require the owners of parking facilities to which the public has access to provide parking spaces for the physically handicapped.

SECTION 5. The proposed subsection 1*a* of section 362*a* provides for an exemption from a by-law requiring that owners of buildings connect the buildings to sewer works or water works, and, where an exemption is given, the municipality may require commutation payments.

SECTION 6. The proposed paragraph 1*b* of section 377 permits a municipality to licence all cabs operating from within the municipality to any point outside the municipality, except if the point outside the municipality is a federally owned and operated airport.

131a. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person and in respect of which a permit has been issued under a by-law passed by the council under paragraph 107b and for prohibiting the use of such spaces by other vehicles.

Parking facilities for handicapped persons

- (a) A by-law passed under this paragraph may specify the dimensions of parking spaces to be provided for the sole use of vehicles operated by or carrying a physically handicapped person and for the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number of parking spaces in the parking lot or parking facility to which the public has access.

5. Section 362a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 7, is amended by adding thereto the following subsection:

s. 362a, amended

(1a) A by-law passed under subsection 1 may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof to the sewage works or water works of the municipality upon payment by the owner to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided for may be different for owners of different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments shall be made.

Exemption from connecting

6. Section 377 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 17, is further amended by adding thereto the following paragraph:

s. 377, amended

1b. A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab

Cabs, destinations outside municipality

R.S.C. 1970,
c. T-15

bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada).

s. 389,
amended

7. Section 389 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by adding thereto the following subsection:

Expense
allowances

(3) A by-law passed under subsection 1 may provide for the payment of a specified amount or amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the by-law where the specified amounts or rates, in the opinion of the council, reasonably reflect the actual expenses that would be incurred.

s. 389b,
re-enacted

8. Section 389b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

Expense
allowances

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body, and as are authorized by the by-law, and subsections 2 and 3 of section 389 apply with necessary modifications to a by-law passed under this section.

s. 389c,
re-enacted

9. Section 389c of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

Remuneration
or expenses
not to be
paid by
local board

389c.—(1) Notwithstanding the provisions of any general or special Act but subject to subsection 2, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

Payment of
chairman
and
vice-chairman

(2) Notwithstanding subsection 1, where a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e is the chairman or vice-chairman of a local board, the board may provide for the payment to such chairman or vice-chairman of such remuneration and expenses as may be established by the council of the municipality, or, where more than one municipality is concerned, as established by the board, and such remuneration or expenses may be in addition to the remuneration or expenses paid to such person

SECTION 7. The proposed subsection 3 of section 389 allows a municipality to establish expense allowances for such items as meals and travel in lieu of the payment for actual expenses.

For example, a municipality would be able to pay members of council and its employees a travel allowance based on the distance travelled rather than on the basis of the actual expense.

This section and sections 8 and 9 will be deemed to have come into force on the 20th day of June, 1978.

SECTION 8. The proposed amendment to section 389b is complementary to the amendment to section 389 set out in section 7 of the Bill.

Section 389b now reads as follows:

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body and as are authorized by the by-law and subsection 2 of section 389 applies with necessary modifications to a by-law passed under this section.

SECTION 9. Section 389c of the Act now reads as follows:

389c. Notwithstanding the provisions of any general or special Act, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

The proposed amendment to section 389c will empower a local board to pay its chairman and vice-chairman, if the chairman or vice-chairman is a municipal appointee, an amount over and above what he receives from the municipality.

SECTION 10. This is a housekeeping amendment. Subsection 1 of section 389d, with the proposed amendment, will read as follows:

- (1) *The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his services as a member of council or as an officer of the municipal corporation in the preceding year and to each person mentioned in subsection 1 of section 389a in respect of his services as a member of the local board or other body in the preceding year.*

SECTION 11. The proposed section 390a is complementary to section 352, paragraph 67a, as enacted by the Statutes of Ontario, 1978, chapter 32, section 16 (Bill 80). Section 390a will permit municipalities to insure or otherwise protect council members and local board members from liability arising out of acts performed in their capacity as council members or as local board members.

SECTION 12. The proposed subsection 2 of section 391 clarifies that the members and trustees of the local boards named in clauses a to e will continue to be paid in the same manner as they were prior to the passage of the Statutes of Ontario, 1978, chapter 32, section 24 (Bill 80).

under any other section of this Act or under any other general or special Act in respect of his membership on the board.

10. Subsection 1 of section 389*d* of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by inserting after "or" in the fifth line "as". s. 389*d* (1),
amended

11. The said Act is further amended by adding thereto the following section: s. 390*a*,
enacted

390*a*.—(1) The council of every municipality may pass by-laws for contracting for insurance to protect the members of the council or of any local board thereof, as defined in *The Municipal Affairs Act*, against risks that may involve liability on the part of such members and for paying premiums therefor or for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding. Liability
insurance,
payment of
damages, etc.
R.S.O. 1970,
c. 118

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. Local boards

12. Section 391 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 24, is amended by adding thereto the following subsection: s. 391,
amended

- (2) No payments shall be made under subsection 1 to, Excluded
members
- (a) the members of a board of education;
 - (b) the members of a hydro-electric commission;
 - (c) the members of a public utilities commission;
 - (d) the trustees of a police village; or
 - (e) the members of a board of trustees of a police village.

Remuneration
and
allowances,
saving
1978, c. 32

R.S.O. 1970,
c. 284

Conservation
authorities

No statements
required under
section 389*d*
for 1978 and 1979

Interpre-
tation

s. 429,
repealed

s. 443 (6),
re-enacted

Approval
of by-law
by judge of
county or
district
court

13.—(1) Notwithstanding this Act, or *The Municipal Amendment Act, 1978*, being chapter 32, for the period commencing on the 20th day of June, 1978, and ending on the 31st day of December, 1979, any rate, remuneration, expense or allowance paid to a member of the council or to an officer or servant of a municipality or a local board thereof in accordance with the provisions of *The Municipal Act* or any other general or special Act, as such Acts existed on the 19th day of June, 1978, shall be deemed not to be improperly paid by reason only of the fact that the payment was not made in accordance with the provisions of *The Municipal Act*, as amended by this Act, or *The Municipal Amendment Act, 1978*, being chapter 32.

(2) Notwithstanding subsection 1, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities.

(3) Notwithstanding section 389*d* of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1978*, being chapter 32, that section shall be deemed not to require the filing of a statement in respect of remuneration and expenses paid for the years 1978 and 1979.

(4) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford.

14. Section 429 of the said Act is repealed.

15. Subsection 6 of section 443 of the said Act is repealed and the following substituted therefor:

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

(a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated; and

(b) in the case of a township separated for municipal purposes from the county in which it is situated,

SECTION 13.—Subsection 1. During 1978, some municipalities and local boards may have continued to pay remuneration, expenses and allowances to their members and employees in accordance with the law as it stood prior to Statutes of Ontario, 1978, chapter 32 (Bill 80), being given Royal Assent. This section deems that such payments were not improperly made.

Subsection 2. This subsection provides that conservation authorities shall determine by the 15th day of February, 1979 whether or not the authority will be liable for the payment of municipal appointees in the year 1979.

Subsection 3. This subsection provides a transition period during which procedures for the preparation of the statement required under section 389d may be developed and implemented.

Subsection 4. Self-explanatory.

SECTION 14. Section 429 of the Act reads as follows:

429. Where a municipal corporation clears or attempts to clear snow from an unopened road allowance, private road or private lane by means of a snow plough or otherwise, no liability attaches to the corporation in so doing.

The repeal of section 429 removes the exemption from liability for municipalities ploughing private roads.

SECTION 15. Subsection 6 of section 443 now reads as follows:

(6) A by-law of the council of a township passed under clause c of subsection 1,

(a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated;

(b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated; and

(c) in the case of other townships, does not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not later than one year after the passing of the by-law by the council of the township.

The proposed subsections 6 to 6c amend the procedures for the approval of a township road closing by-law by the county council. Under the proposed subsections, townships will be able to seek the approval of the Municipal Board where the county council objects to the by-law and no agreement is reached. The township council may also pass the by-law without the county council's consent where, without objecting, the county council refuses or fails to consider the by-law within sixty days of receiving a notice of the intention to pass the by-law.

SECTION 16. This is a housekeeping amendment. Clause *b* of section 446 (1) now reads as follows:

446.—(1) *Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,*

(b) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

Section 242*b* (1), as enacted by the Statutes of Ontario, 1978, chapter 32, section 14 (Bill 80), and section 10 of *The Statutory Powers Procedure Act, 1971* make the underlined words redundant.

SECTION 17.—Subsection 1. Subsection 1 of section 472 now reads as follows:

(1) *No person is qualified to be elected a trustee or to vote at the election thereof unless,*

(a) his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; or

(b) he is entitled to have his name entered on such polling list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of The Municipal Elections Act, 1972 and he is a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant.

The proposed amendment changes the qualifications for police village trustees so that they will be similar to the qualifications for other municipal offices. This subsection will be deemed to have come into force on the 20th day of June, 1978.

does not have any force until approved by a judge of the county court of the county in which the township is situated.

(6a) Where the council of a township, other than a township mentioned in subsection 6, intends to pass a by-law under clause *c* of subsection 1, it shall so notify, in writing, the clerk of the county in which the township is situated by registered mail or by personal service. Notice to clerk of county

(6b) If the council of the county objects to the passing of the proposed by-law in respect of which a notice is given under subsection 6a, it shall so notify the clerk of the township, in writing, by registered mail or by personal service within sixty days of the receipt of the notice by the clerk of the county, and thereupon the proposed by-law shall not be passed except by agreement between the council of the county and the council of the township and, failing agreement, the Municipal Board, upon application, may determine the matter and its decision is final. Objection to by-law

(6c) After giving the notice required under subsection 6a, the council of the township may pass a by-law under clause *c* of subsection 1 where, Passage of by-law

(a) the council of the county has by by-law consented to the passing of the by-law by the township; or

(b) the sixty-day period referred to in subsection 6b has elapsed and no notice of objection has been received by the clerk of the township from the council of the county,

and the council of the county shall have no further right of objection.

16. Clause *b* of subsection 1 of section 446 of the said Act is repealed and the following substituted therefor: s. 446 (1) (b), re-enacted

(b) the council shall hear any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

17.—(1) Subsection 1 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 13, is repealed and the following substituted therefor: s. 472 (1), re-enacted

(1) Every person is qualified to be elected a trustee or to vote at the election thereof, Qualifications, trustees and electors

1977, c. 62

(a) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the election of members of the council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; and

(b) who is not disqualified by this or any other Act from holding the office of trustee or from voting at the election to such office.

Saving

(2) Notwithstanding subsection 1 of section 472 of the said Act, as re-enacted by subsection 1 of this section, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with subsection 1 of section 472 as it existed on the 19th day of June, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with subsection 1 of section 472 as re-enacted by subsection 1 of this section.

s. 502 (2),
re-enacted

18. Subsection 2 of section 502 of the said Act is repealed and the following substituted therefor:

Remuneration
of trustees

(2) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 388 and 389 and section 389*d* applies with necessary modifications to the secretary-treasurer appointed under subsection 9.

Commence-
ment

19.—(1) This Act, except sections 2, 7, 8, 9 and subsection 1 of section 17, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Sections 7, 8 and 9 and subsection 1 of section 17 shall be deemed to have come into force on the 20th day of June, 1978.

Short title

20. The short title of this Act is *The Municipal Amendment Act, 1978*.

Subsection 2. This provision would save any proceedings taken in the 1978 regular election in accordance with the present subsection 1 of section 472.

SECTION 18. Subsection 2 of section 502 now reads as follows:

- (2) *The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 388 and 389, and the chairman shall be deemed to be a head of a council under section 211.*

Section 389*d* was enacted by the Statutes of Ontario, 1978, chapter 32, section 22 (Bill 80). The amendment to subsection 2 of section 502 will require an annual statement of the secretary-treasurer to be submitted to the trustees showing the remuneration and expenses paid to each trustee and other persons and the statutory provisions under which they were paid.

An Act to amend
The Municipal Act

1st Reading

December 5th, 1978

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental
Affairs

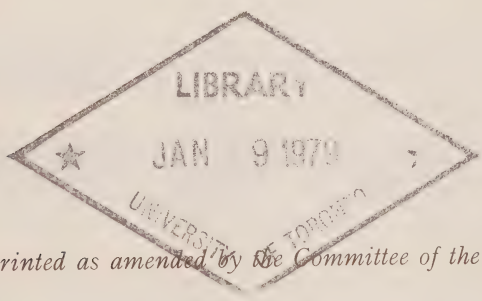
(Government Bill)

B
B 56

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. This is a housekeeping amendment. Section 284 now reads as follows:

284. A by-law, in respect of the passing of which a contravention of any of the provisions of sections 178 to 180 has taken place, may be quashed.

Sections 178 to 180 of the Act were repealed by the Statutes of Ontario, 1972, chapter 121, section 11.

SECTION 2. The proposed subclause v of clause a of subsection 2 of section 312 extends the type of investments that a municipality may make when it has funds not immediately required by the municipality. This section will come into force on a day to be named by proclamation of the Lieutenant Governor.

SECTION 3. The proposed paragraph 24a of section 352 will permit municipalities to keep in their custody items of historical value or interest that are donated or loaned to the municipality.

The proposed paragraph 61 will permit municipalities to close roads on a temporary basis for social, recreational, community and athletic purposes.

BILL 195

1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 284 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 284,
repealed
2. Clause *a* of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, and amended by 1976, chapter 51, section 9, is further amended by striking out "or" at the end of subclause iv and by adding thereto the following subclause: s. 312 (2) (a),
amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976; or 1976, c. 62

.

3. Section 352 of the said Act is amended by adding thereto the following paragraphs: s. 352,
amended

24a. For providing for keeping in the custody of the municipality things of historical value or interest donated or loaned to the municipality and for entering into agreements with the donor or lender for the keeping of such things. Things of
historical
interest

- (a) Section 216 does not apply to records, books, accounts and documents in the custody of a municipality pursuant to an agreement under this paragraph where the agreement contains provisions respecting the access of the public to such things.
- (b) Notwithstanding clause *a* or the terms of the agreement, section 216 applies where an agreement under this paragraph is made with a person who at the time of executing the agreement was an

employee or a member of the council of the municipality.

Temporary closing of highway for recreational purposes, etc.

61. For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law any highway or portion of a highway under the jurisdiction of the council for such social, recreational, community or athletic purpose, or combination of such purposes, as may be specified in the by-law.

(a) Clauses *a* and *b* of paragraph 60 apply with necessary modifications to every municipality where the council of the municipality has passed a by-law under this paragraph.

(b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a permit issued under the by-law upon such terms and conditions, including such fee for the permit, as may be set out in the by-law.

s. 354 (1), amended

4.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

Agreements with condominium corporations re roads, sewers and water pipes
R.S.O. 1970, c. 77

62a. For entering into agreements with a condominium corporation incorporated under *The Condominium Act* for,

- i. maintaining and repairing roads on the condominium property,
- ii. clearing away and removing snow and ice from roads on the condominium property, and
- iii. maintaining and repairing sewer pipes and water pipes installed on the condominium property for connecting buildings and other structures on the property with the sewage or water works of the municipality and for maintaining and repairing fire hydrants installed on the property,

and the agreement may be upon such terms and conditions, including terms as to the payment of fees, as are agreed upon.

(a) Where a municipality has entrusted the management of,

SECTION 4.—Subsection 1. The proposed paragraph 62*a* permits municipalities to enter into agreements with condominium corporations for the provision of such services as road maintenance, snow clearing and sewer and water pipe maintenance on the condominium property.

Subsection 2. Paragraph 97 of section 354 (1) now reads as follows:

97. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

- (a) A by-law for changing the name of a highway does not have any force or effect until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the proper land registry office.*
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.*
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law and for hearing those advocating and opposing the change.*
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in The Ontario Gazette at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.*
- (e) If the judge approves of the change, he shall so certify and his certificate shall be registered with the by-law, and the change shall take effect from the date of registration.*

The re-enactment of paragraph 97 will simplify the procedure for renaming streets by removing the requirement for approval by a county or district court judge.

Subsection 3. The proposed paragraph 107a empowers municipalities to allow permit parking on municipal streets.

The proposed paragraph 107b empowers municipalities to exempt vehicles carrying physically handicapped people from the municipal parking by-laws. A permit system would be used to administer the system.

- (i) its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements with condominium corporations for the purposes, in relation to water works, mentioned in subparagraph iii of this paragraph, or
- (ii) its sewage works and its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements for the purposes mentioned in subparagraph iii of this paragraph.

(2) Paragraph 97 of subsection 1 of the said section 354, as ^{s. 354 (1), par. 97, re-enacted} amended by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

97. To provide for surveying, settling and marking the ^{Highways, boundaries and names} boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property.

(a) A by-law changing the name of a highway has no ^{Procedures for changing name of highway} effect until a copy of it, certified under the hand of the clerk and the seal of the corporation, has been registered in the proper land registry office.

(b) Before passing a by-law for changing the name of a highway,

(i) notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality, and

(ii) the council shall hear any person who claims that he will be adversely affected by the by-law and who applies to be heard.

(3) Subsection 1 of the said section 354 is further amended ^{s. 354 (1), amended} by adding thereto the following paragraphs:

107a. For,

^{Permit parking}

- i. allowing the parking of motor vehicles or any class or classes thereof on designated parts of highways for specified periods and during specified hours pursuant to permits issued,

- ii. charging such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides,
- iii. providing for the commencement, expiry and cancellation of permits and the refunding of the fee for the unexpired portion of the permit period,
- iv. prohibiting the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways during specified hours except by authority of a permit, and
- v. providing for exemptions from parking, standing or stopping prohibitions of any by-law of the corporation regulating traffic where a permit is used.

R.S.O. 1970,
c. 201

(a) A by-law passed under this paragraph that affects a highway designated as a connecting link or extension of the King's Highway under subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* has no effect until it is approved by the Minister of Transportation and Communications.

(b) Clause *a* of paragraph 107 applies with necessary modifications to a by-law passed under this paragraph.

Parking for
handicapped
persons

107b. For exempting, pursuant to permits issued, the owners and drivers of vehicles operated by or carrying a physically handicapped person, as defined by the by-law, from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of motor vehicles on any highway or part thereof under the jurisdiction of the council.

(a) A by-law passed under this paragraph,

- (i) may provide for the issuing of permits in respect of vehicles that are operated by or that carry a physically handicapped person, as defined in the by-law,
- (ii) may provide for the manner by which such vehicles shall be identified,

Subsection 4. The proposed paragraph 112 of section 354 (1) contains more detailed provisions than the present paragraph 112 related to parking without consent on private or municipal property. Paragraph 112 now reads as follows:

112. For prohibiting the parking or leaving of motor vehicles on private property without authority from the owner or occupant of such property or on property of the municipality or any local board thereof where parking by the public is not authorized and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner thereof.

(a) Clause a of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.

(b) Subsection 13 of section 116 of The Highway Traffic Act applies to a by-law passed under this paragraph.

(c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

(d) The driver or owner of a motor vehicle parked or left on private property is not liable to a penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the occupant or any adult resident of the property.

The proposed paragraph 113 removes the present \$1.00 limit on the fee for bicycle licences and removes the present \$5.00 limit on penalties. Paragraph 113 now reads as follows:

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any kind or class thereof other than a motor vehicle and a trailer as defined in The Highway Traffic Act to obtain a licence therefor before using it upon any highway of the municipality; limiting the weight or size of loads that may be carried thereon; regulating the issuing of such licences and the collection of fees therefor; fixing an annual fee not exceeding \$1 for such licences; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5 exclusive of costs upon all persons who contravene any such by-law; and providing that such penalties may be recoverable in the manner provided by this Act.

(iii) may regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued pursuant to a by-law passed under this paragraph and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council, and

(iv) shall prohibit the improper use or acquisition of a permit or any decal or other identifying marker issued in connection with the permit.

(4) Paragraphs 112 and 113 of subsection 1 of the said section 354 are repealed and the following substituted therefor: s. 354 (1),
pars. 112, 113,
re-enacted

112. For prohibiting the parking or leaving of motor vehicles, Prohibiting
parking on
private or
municipal
property

- i. on private property without the consent of the owner or occupant of the property, and
- ii. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.

(a) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(b) Subsection 13 of section 116 of *The Highway Traffic Act* and clause a of paragraph 107 of this section apply, with necessary modifications, to a by-law passed under this paragraph. R.S.O. 1970,
c. 202

(c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.

(d) Subject to clause *f*, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.

(e) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

R.S.O. 1970,
c. 351

(f) A special constable appointed under *The Police Act*, in respect of a particular property, to enforce a by-law passed under this paragraph shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.

(g) In this paragraph,

(i) "owner" when used in relation to property means,

(A) the registered owner of the property,

(B) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,

- (C) the spouse of a person described in sub-subclause A or B,
 - (D) where the property is included in a description registered under *The Condominium Act*, the board of directors of the condominium corporation, R.S.O. 1970,
c. 77
 - (E) a person authorized in writing by the property owner as defined in sub-subclause A, B, C or D to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph,
- (ii) "occupant" means,
- (A) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,
 - (B) the spouse of a tenant,
 - (C) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
 - (D) a person authorized in writing by an occupant as defined in sub-subclause A, B or C to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph.

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any class or classes thereof, other than a motor vehicle and a trailer as defined in *The* Licences for
wheeled
vehicles

Highway Traffic Act and a wheeled vehicle used for farming purposes, to obtain a licence therefor before using it upon any highway of the municipality.

(a) A by-law under this paragraph,

- (i) may limit the weight or size of loads that may be carried on wheeled vehicles to which the by-law applies,
- (ii) may regulate the issuing of the licences, and
- (iii) may fix, and provide for the collection of, an annual fee for such licences which may be in different amounts for different classes of vehicles.

s. 354 (1),
amended

(5) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraph:

Parking
facilities for
handicapped
persons

131a. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person and in respect of which a permit has been issued under a by-law passed by the council under paragraph 107b and for prohibiting the use of such spaces by other vehicles.

(a) A by-law passed under this paragraph may specify the dimensions of parking spaces to be provided for the sole use of vehicles operated by or carrying a physically handicapped person and for the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number of parking spaces in the parking lot or parking facility to which the public has access.

s. 362a,
amended

5. Section 362a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 7, is amended by adding thereto the following subsection:

Exemption
from
connecting

(1a) A by-law passed under subsection 1 may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof to the sewage works or water works of the municipality upon payment by the owner

Subsection 5. The proposed paragraph 131*a* is complementary to the proposed paragraph 107*b* and would empower municipalities to require the owners of parking facilities to which the public has access to provide parking spaces for the physically handicapped.

SECTION 5. The proposed subsection 1*a* of section 362*a* provides for an exemption from a by-law requiring that owners of buildings connect the buildings to sewer works or water works, and, where an exemption is given, the municipality may require commutation payments.

SECTION 6. The proposed paragraph 1b of section 377 permits a municipality to licence all cabs operating from within the municipality to any point outside the municipality, except if the point outside the municipality is a federally owned and operated airport.

SECTION 7. The proposed subsection 3 of section 389 allows a municipality to establish expense allowances for such items as meals and travel in lieu of the payment for actual expenses.

For example, a municipality would be able to pay members of council and its employees a travel allowance based on the distance travelled rather than on the basis of the actual expense.

This section and sections 8 and 9 will be deemed to have come into force on the 20th day of June, 1978.

SECTION 8. The proposed amendment to section 389b is complementary to the amendment to section 389 set out in section 7 of the Bill.

Section 389b now reads as follows:

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body and as are authorized by the by-law and subsection 2 of section 389 applies with necessary modifications to a by-law passed under this section.

to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided for may be different for owners of different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments shall be made.

6. Section 377 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 17, is further amended by adding thereto the following paragraph:

s. 377,
amended

1b. A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada).

Cabs,
destinations
outside
municipality

R.S.C. 1970,
c. T-15

7. Section 389 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by adding thereto the following subsection:

s. 389,
amended

(3) A by-law passed under subsection 1 may provide for the payment of a specified amount or amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the by-law where the specified amounts or rates, in the opinion of the council, reasonably reflect the actual expenses that would be incurred.

Expense
allowances

8. Section 389b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

s. 389b,
re-enacted

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body, and as are authorized by the by-law, and subsections 2 and 3 of section 389 apply with necessary modifications to a by-law passed under this section.

Expense
allowances

s. 389c,
re-enacted

9. Section 389c of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

Remuneration
or expenses
not to be
paid by
local board

389c.—(1) Notwithstanding the provisions of any general or special Act but subject to subsection 2, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

Payment of
chairman
and
vice-chairman

(2) Notwithstanding subsection 1, where a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e is the chairman or vice-chairman of a local board, the board may provide for the payment to such chairman or vice-chairman of such remuneration and expenses as may be established by the council of the municipality, or, where more than one municipality is concerned, as established by the board, and such remuneration or expenses may be in addition to the remuneration or expenses paid to such person under any other section of this Act or under any other general or special Act in respect of his membership on the board.

s. 389d (1),
amended

10. Subsection 1 of section 389d of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by inserting after "or" in the fifth line "as".

s. 390a,
enacted

11. The said Act is further amended by adding thereto the following section:

Liability
insurance,
payment of
damages, etc.
R.S.O. 1970,
c. 118

390a.—(1) The council of every municipality may pass by-laws for contracting for insurance to protect the members of the council or of any local board thereof, as defined in *The Municipal Affairs Act*, against risks that may involve liability on the part of such members and for paying premiums therefor or for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding.

Local boards

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.

SECTION 9. Section 389c of the Act now reads as follows :

389c. Notwithstanding the provisions of any general or special Act, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

The proposed amendment to section 389c will empower a local board to pay its chairman and vice-chairman, if the chairman or vice-chairman is a municipal appointee, an amount over and above what he receives from the municipality.

SECTION 10. This is a housekeeping amendment. Subsection 1 of section 389d, with the proposed amendment, will read as follows :

(1) The treasurer of every municipality shall on or before the 28th day of February in each year submit to the council of the municipality an itemized statement of the remuneration and expenses paid to each member of council in respect of his services as a member of council or as an officer of the municipal corporation in the preceding year and to each person mentioned in subsection 1 of section 389a in respect of his services as a member of the local board or other body in the preceding year.

SECTION 11. The proposed section 390a is complementary to section 352, paragraph 67a, as enacted by the Statutes of Ontario, 1978, chapter 32, section 16 (Bill 80). Section 390a will permit municipalities to insure or otherwise protect council members and local board members from liability arising out of acts performed in their capacity as council members or as local board members.

SECTION 12. The proposed subsection 2 of section 391 clarifies that the members and trustees of the local boards named in clauses *a* to *e* will continue to be paid in the same manner as they were prior to the passage of the Statutes of Ontario, 1978, chapter 32, section 24 (Bill 80).

SECTION 13.—Subsection 1. During 1978, some municipalities and local boards may have continued to pay remuneration, expenses and allowances to their members and employees in accordance with the law as it stood prior to Statutes of Ontario, 1978, chapter 32 (Bill 80), being given Royal Assent. This section deems that such payments were not improperly made.

Subsection 2. This subsection provides that conservation authorities shall determine by the 15th day of February, 1979 whether or not the authority will be liable for the payment of municipal appointees in the year 1979.

Subsection 3. This subsection provides a transition period during which procedures for the preparation of the statement required under section 389*d* may be developed and implemented.

Subsection 4. Self-explanatory.

12. Section 391 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 24, is amended by adding thereto the following subsection:

- (2) No payments shall be made under subsection 1 to, s. 391,
amended
Excluded members
- (a) the members of a school board; [redacted]
- (b) the members of a hydro-electric commission;
- (c) the members of a public utilities commission;
- (d) the trustees of a police village; or
- (e) the members of a board of trustees of a police village.

- 13.—(1) Notwithstanding this Act or *The Municipal Amendment Act, 1978*, being chapter 32, for the period commencing on the 20th day of June, 1978, and ending on the 31st day of December, 1979, any rate, remuneration, expense or allowance paid to a member of the council of a municipality or a local board thereof or to an officer or servant of a municipality or a local board thereof in accordance with the provisions of *The Municipal Act* or any other general or special Act, as such Acts existed on the 19th day of June, 1978, shall be deemed not to be improperly paid by reason only of the fact that the payment was not made in accordance with the provisions of *The Municipal Act*, as amended by this Act, or *The Municipal Amendment Act, 1978*, being chapter 32. Remuneration and allowances, saving 1978, c. 32
R.S.O. 1970, c. 284

- (2) Notwithstanding this Act or *The Municipal Amendment Act, 1978*, being chapter 32, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities. Conservation authorities

- (3) Notwithstanding section 389d of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1978*, being chapter 32, that section shall be deemed not to require the filing of a statement in respect of remuneration and expenses paid for the years 1978 and 1979. No statements required under section 389d for 1978 and 1979

- (4) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford. Interpretation

s. 429,
repealed

14. Section 429 of the said Act is repealed.

s. 443 (6),
re-enacted

15. Subsection 6 of section 443 of the said Act is repealed and the following substituted therefor:

Approval
of by-law
by judge of
county or
district
court

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

(a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated; and

(b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated.

Notice to
clerk of
county

(6a) Where the council of a township, other than a township mentioned in subsection 6, intends to pass a by-law under clause *c* of subsection 1, it shall so notify, in writing, the clerk of the county in which the township is situated by registered mail or by personal service.

Objection
to by-law

(6b) If the council of the county objects to the passing of the proposed by-law in respect of which a notice is given under subsection 6a, it shall so notify the clerk of the township, in writing, by registered mail or by personal service within sixty days of the receipt of the notice by the clerk of the county, and thereupon the proposed by-law shall not be passed except by agreement between the council of the county and the council of the township and, failing agreement, the Municipal Board, upon application, may determine the matter and its decision is final.

Passage of
by-law

(6c) After giving the notice required under subsection 6a, the council of the township may pass a by-law under clause *c* of subsection 1 where,

(a) the council of the county has by by-law consented to the passing of the by-law by the township; or

(b) the sixty-day period referred to in subsection 6b has elapsed and no notice of objection has been received by the clerk of the township from the council of the county,

SECTION 14. Section 429 of the Act reads as follows:

429. Where a municipal corporation clears or attempts to clear snow from an unopened road allowance, private road or private lane by means of a snow plough or otherwise, no liability attaches to the corporation in so doing.

The repeal of section 429 removes the exemption from liability for municipalities ploughing private roads.

SECTION 15. Subsection 6 of section 443 now reads as follows:

(6) A by-law of the council of a township passed under clause c of subsection 1,

- (a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated;*
- (b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated; and*
- (c) in the case of other townships, does not have any force until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not later than one year after the passing of the by-law by the council of the township.*

The proposed subsections 6 to 6c amend the procedures for the approval of a township road closing by-law by the county council. Under the proposed subsections, townships will be able to seek the approval of the Municipal Board where the county council objects to the by-law and no agreement is reached. The township council may also pass the by-law without the county council's consent where, without objecting, the county council refuses or fails to consider the by-law within sixty days of receiving a notice of the intention to pass the by-law.

SECTION 16. This is a housekeeping amendment. Clause *b* of section 446 (1) now reads as follows:

446.—(1) *Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,*

(b) the council or a committee of council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

Section 242b (1), as enacted by the Statutes of Ontario, 1978, chapter 32, section 14 (Bill 80), and section 10 of *The Statutory Powers Procedure Act, 1971* make the underlined words redundant.

SECTION 17.—Subsection 1. Subsection 1 of section 472 now reads as follows:

(1) *No person is qualified to be elected a trustee or to vote at the election thereof unless,*

(a) his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; or

(b) he is entitled to have his name entered on such polling list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of The Municipal Elections Act, 1972 and he is a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant.

The proposed amendment changes the qualifications for police village trustees so that they will be similar to the qualifications for other municipal offices. This subsection will be deemed to have come into force on the 20th day of June, 1978.

Subsection 2. This provision would save any proceedings taken in the 1978 regular election in accordance with the present subsection 1 of section 472.

SECTION 18. Subsection 2 of section 502 now reads as follows:

(2) *The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 388 and 389, and the chairman shall be deemed to be a head of a council under section 211.*

Section 389d was enacted by the Statutes of Ontario, 1978, chapter 32, section 22 (Bill 80). The amendment to subsection 2 of section 502 will require an annual statement of the secretary-treasurer to be submitted to the trustees showing the remuneration and expenses paid to each trustee and other persons and the statutory provisions under which they were paid.

and the council of the county shall have no further right of objection.

16. Clause *b* of subsection 1 of section 446 of the said Act is ^{s. 446 (1) (b),} repealed and the following substituted therefor: _{re-enacted}

(b) the council shall hear any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

- 17.—(1) Subsection 1 of section 472 of the said Act, as re-enacted ^{s. 472 (1),} by the Statutes of Ontario, 1976, chapter 51, section 13, _{re-enacted} is repealed and the following substituted therefor:

(1) Every person is qualified to be elected a trustee or to ^{Qualifications,} vote at the election thereof, _{trustees and electors}

(a) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the ^{1977, c. 62} election of members of the council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; and

(b) who is not disqualified by this or any other Act from holding the office of trustee or from voting at the election to such office.

(2) Notwithstanding subsection 1 of section 472 of the said ^{Saving} Act, as re-enacted by subsection 1 of this section, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with subsection 1 of section 472 as it existed on the 19th day of June, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with subsection 1 of section 472 as re-enacted by subsection 1 of this section.

18. Subsection 2 of section 502 of the said Act is repealed and the ^{s. 502 (2),} following substituted therefor: _{re-enacted}

(2) The trustees appointed under subsection 1 shall be ^{Remuneration} deemed to be members of a council under sections 388 and _{of trustees} 389 and section 389*d* applies with necessary modifications to the secretary-treasurer appointed under subsection 9.

Commence-
ment

19.—(1) This Act, except sections 2, 7, 8, 9 and subsection 1 of section 17, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Sections 7, 8 and 9 and subsection 1 of section 17 shall be deemed to have come into force on the 20th day of June, 1978.

Short title

20. The short title of this Act is *The Municipal Amendment Act, 1978*.

An Act to amend
The Municipal Act

1st Reading

December 5th, 1978

2nd Reading

December 12th, 1978

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental
Affairs

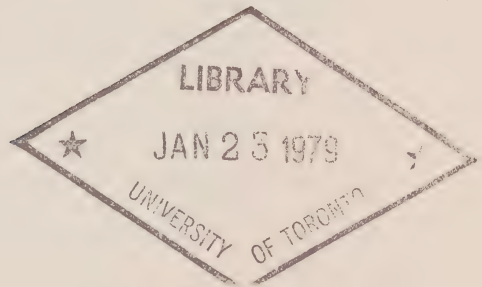
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 195

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 195

1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 284 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 284,
repealed
2. Clause *a* of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, and amended by 1976, chapter 51, section 9, is further amended by striking out "or" at the end of subclause iv and by adding thereto the following subclause: s. 312 (2) (a),
amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act, 1976*; or 1976, c. 62

.

3. Section 352 of the said Act is amended by adding thereto the following paragraphs: s. 352,
amended

24*a*. For providing for keeping in the custody of the municipality things of historical value or interest donated or loaned to the municipality and for entering into agreements with the donor or lender for the keeping of such things. Things of
historical
interest

- (a) Section 216 does not apply to records, books, accounts and documents in the custody of a municipality pursuant to an agreement under this paragraph where the agreement contains provisions respecting the access of the public to such things.
- (b) Notwithstanding clause *a* or the terms of the agreement, section 216 applies where an agreement under this paragraph is made with a person who at the time of executing the agreement was an

employee or a member of the council of the municipality.

Temporary closing of highway for recreational purposes, etc.

61. For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law any highway or portion of a highway under the jurisdiction of the council for such social, recreational, community or athletic purpose, or combination of such purposes, as may be specified in the by-law.

- (a) Clauses *a* and *b* of paragraph 60 apply with necessary modifications to every municipality where the council of the municipality has passed a by-law under this paragraph.
- (b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a permit issued under the by-law upon such terms and conditions, including such fee for the permit, as may be set out in the by-law.

s. 354 (1),
amended

4.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

Agreements with condominium corporations re roads, sewers and water pipes
R.S.O. 1970,
c. 77

62*a*. For entering into agreements with a condominium corporation incorporated under *The Condominium Act* for,

- i. maintaining and repairing roads on the condominium property,
- ii. clearing away and removing snow and ice from roads on the condominium property, and
- iii. maintaining and repairing sewer pipes and water pipes installed on the condominium property for connecting buildings and other structures on the property with the sewage or water works of the municipality and for maintaining and repairing fire hydrants installed on the property,

and the agreement may be upon such terms and conditions, including terms as to the payment of fees, as are agreed upon.

- (a) Where a municipality has entrusted the management of,

- (i) its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements with condominium corporations for the purposes, in relation to water works, mentioned in subparagraph iii of this paragraph, or
- (ii) its sewage works and its water works to a public utilities commission, the commission may, with the approval of the council, enter into agreements for the purposes mentioned in subparagraph iii of this paragraph.

(2) Paragraph 97 of subsection 1 of the said section 354, as s. 354 (1),
amended by the Statutes of Ontario, 1976, chapter 69, par. 97,
section 10, is repealed and the following substituted re-enacted
therefor:

97. To provide for surveying, settling and marking the ^{Highways,} boundary lines of highways and giving names to them or ^{boundaries} and names changing their names, and for affixing the names at the corners thereof, on public or private property.

- (a) A by-law changing the name of a highway has no ^{Procedures} effect until a copy of it, certified under the hand of ^{for changing} the clerk and the seal of the corporation, has been ^{name of} registered in the proper land registry office. ^{highway}
- (b) Before passing a by-law for changing the name of a highway,
 - (i) notice of the proposed by-law shall be published at least once a week for four successive weeks in a newspaper having general circulation in the municipality, and
 - (ii) the council shall hear any person who claims that he will be adversely affected by the by-law and who applies to be heard.

(3) Subsection 1 of the said section 354 is further amended ^{s. 354 (1),} by adding thereto the following paragraphs: ^{amended}

107a. For,

Permit
parking

- i. allowing the parking of motor vehicles or any class or classes thereof on designated parts of highways for specified periods and during specified hours pursuant to permits issued,

- ii. charging such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides,
- iii. providing for the commencement, expiry and cancellation of permits and the refunding of the fee for the unexpired portion of the permit period,
- iv. prohibiting the parking, standing or stopping of motor vehicles on the designated highways or the designated parts of highways during specified hours except by authority of a permit, and
- v. providing for exemptions from parking, standing or stopping prohibitions of any by-law of the corporation regulating traffic where a permit is used.

R.S.O. 1970,
c. 201

(a) A by-law passed under this paragraph that affects a highway designated as a connecting link or extension of the King's Highway under subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* has no effect until it is approved by the Minister of Transportation and Communications.

(b) Clause *a* of paragraph 107 applies with necessary modifications to a by-law passed under this paragraph.

Parking for
handicapped
persons

107b. For exempting, pursuant to permits issued, the owners and drivers of vehicles operated by or carrying a physically handicapped person, as defined by the by-law, from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of motor vehicles on any highway or part thereof under the jurisdiction of the council.

(a) A by-law passed under this paragraph,

- (i) may provide for the issuing of permits in respect of vehicles that are operated by or that carry a physically handicapped person, as defined in the by-law,
- (ii) may provide for the manner by which such vehicles shall be identified,

- (iii) may regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued pursuant to a by-law passed under this paragraph and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council, and
 - (iv) shall prohibit the improper use or acquisition of a permit or any decal or other identifying marker issued in connection with the permit.
- (4) Paragraphs 112 and 113 of subsection 1 of the said section 354 are repealed and the following substituted s. 354 (1),
pars. 112, 113,
re-enacted therefor:
112. For prohibiting the parking or leaving of motor vehicles, Prohibiting
parking on
private or
municipal
property
- i. on private property without the consent of the owner or occupant of the property, and
 - ii. on property owned or occupied by the municipality or any local board thereof without the consent of the municipality or local board, as the case may be.
- (a) A by-law passed under this paragraph may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.
 - (b) Subsection 13 of section 116 of *The Highway Traffic Act* and clause *a* of paragraph 107 of this section apply, with necessary modifications, to a by-law passed under this paragraph. R.S.O. 1970,
c. 202
 - (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph, and the owner of a motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner without the owner's consent.

- (d) Subject to clause *f*, the driver or owner of a motor vehicle parked or left on private property is not liable to any penalty or to have the motor vehicle removed from such property or impounded under a by-law passed under this paragraph except upon the written complaint of the owner or occupant of the property given to a constable or officer appointed for the carrying out of the provisions of the by-law.
- (e) Where an owner or occupant of property affected by a by-law passed under this paragraph has posted signs stating conditions on which a motor vehicle may be parked or left on the property or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.
- (f) A special constable appointed under *The Police Act*, in respect of a particular property, to enforce a by-law passed under this paragraph shall be deemed to have the written authority of the owner or occupant of the property to enforce the by-law, and such special constable is not required to receive a written complaint before enforcing the by-law.
- (g) In this paragraph,

- (i) "owner" when used in relation to property means,

- (A) the registered owner of the property,

- (B) the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property,

- (C) the spouse of a person described in sub-subclause A or B,
 - (D) where the property is included in a description registered under *The Condominium Act*, the board of directors of the condominium corporation, ^{R.S.O. 1970, c. 77}
 - (E) a person authorized in writing by the property owner as defined in sub-subclause A, B, C or D to act on the owner's behalf for requesting the enforcement of a by-law passed under this paragraph,
- (ii) "occupant" means,
- (A) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he is tenant and any parking spaces allotted to him under his lease or tenancy agreement,
 - (B) the spouse of a tenant,
 - (C) a person or a municipality, or a local board thereof, having an interest in the property under an easement or right of way granted to or expropriated by the person, municipality or local board whose consent shall extend only to the part of the property that is subject to the easement or right of way,
 - (D) a person authorized in writing by an occupant as defined in sub-subclause A, B or C to act on the occupant's behalf for requesting the enforcement of a by-law passed under this paragraph.

113. Requiring all residents in the municipality owning and using any wheeled vehicle or any class or classes thereof, other than a motor vehicle and a trailer as defined in *The* ^{Licences for wheeled vehicles}

Highway Traffic Act and a wheeled vehicle used for farming purposes, to obtain a licence therefor before using it upon any highway of the municipality.

(a) A by-law under this paragraph,

- (i) may limit the weight or size of loads that may be carried on wheeled vehicles to which the by-law applies,
- (ii) may regulate the issuing of the licences, and
- (iii) may fix, and provide for the collection of, an annual fee for such licences which may be in different amounts for different classes of vehicles.

s. 354 (1),
amended

(5) Subsection 1 of the said section 354 is further amended by adding thereto the following paragraph:

Parking
facilities for
handicapped
persons

131a. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles operated by or conveying a physically handicapped person and in respect of which a permit has been issued under a by-law passed by the council under paragraph 107b and for prohibiting the use of such spaces by other vehicles.

(a) A by-law passed under this paragraph may specify the dimensions of parking spaces to be provided for the sole use of vehicles operated by or carrying a physically handicapped person and for the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number of parking spaces in the parking lot or parking facility to which the public has access.

s. 362a,
amended

5. Section 362a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 83, section 7, is amended by adding thereto the following subsection:

Exemption
from
connecting

(1a) A by-law passed under subsection 1 may provide for exempting owners of buildings, or any such class or classes thereof as may be specified in the by-law, in the municipality or in any defined area thereof from the application of the provisions of the by-law requiring the connection of such buildings or such class or classes thereof to the sewage works or water works of the municipality upon payment by the owner

to the municipality of such amounts or of amounts computed by such method as may be provided for in the by-law, and the amounts or method of computation provided for may be different for owners of different classes of buildings, and the by-law may provide for the manner in which and the period for which the payments shall be made.

6. Section 377 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 17, is further amended by adding thereto the following paragraph:

1b. A by-law passed under paragraph 1 for the licensing of owners and drivers of cabs may provide that its provisions, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada).

s. 377,
amended
Cabs,
destinations
outside
municipality

R.S.C. 1970,
c. T-15

7. Section 389 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by adding thereto the following subsection:

(3) A by-law passed under subsection 1 may provide for the payment of a specified amount or amounts calculated according to a specified rate in lieu of the amount of actual expenses incurred in respect of items of expenditure specified in the by-law where the specified amounts or rates, in the opinion of the council, reasonably reflect the actual expenses that would be incurred.

Expense
allowances

8. Section 389b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

s. 389b,
re-enacted

389b. Notwithstanding the provisions of any general or special Act, the council of a municipality may provide by by-law for paying such expenses of persons mentioned in subsection 1 of section 389a as are actually incurred as a result of their acting in their capacity as members of the local board or other body, and as are authorized by the by-law, and subsections 2 and 3 of section 389 apply with necessary modifications to a by-law passed under this section.

Expense
allowances

s. 389c,
re-enacted

9. Section 389c of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is repealed and the following substituted therefor:

Remuneration
or expenses
not to be
paid by
local board

389c.—(1) Notwithstanding the provisions of any general or special Act but subject to subsection 2, no remuneration or expenses shall be paid by a local board to a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e in respect of his membership on the local board.

Payment of
chairman
and
vice-chairman

(2) Notwithstanding subsection 1, where a person mentioned in subsection 1 of section 389a or subsection 1 of section 389e is the chairman or vice-chairman of a local board, the board may provide for the payment to such chairman or vice-chairman of such remuneration and expenses as may be established by the council of the municipality, or, where more than one municipality is concerned, as established by the board, and such remuneration or expenses may be in addition to the remuneration or expenses paid to such person under any other section of this Act or under any other general or special Act in respect of his membership on the board.

s. 389d (1),
amended

10. Subsection 1 of section 389d of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 22, is amended by inserting after "or" in the fifth line "as".

s. 390a,
enacted

11. The said Act is further amended by adding thereto the following section:

Liability
insurance,
payment of
damages, etc.
R.S.O. 1970,
c. 118

390a.—(1) The council of every municipality may pass by-laws for contracting for insurance to protect the members of the council or of any local board thereof, as defined in *The Municipal Affairs Act*, against risks that may involve liability on the part of such members and for paying premiums therefor or for paying any damages or costs awarded against any such members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as members or officers of the municipality or local board including while acting in the performance of any statutory duty imposed by any general or special Act or for paying any sum required in connection with the settlement of such an action or other proceeding and for assuming the cost of defending any such member in such an action or other proceeding.

Local boards

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.

- 12.** Section 391 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 24, is amended by adding thereto the following subsection: s. 391,
amended

- (2) No payments shall be made under subsection 1 to, Excluded
members
- (a) the members of a school board;
 - (b) the members of a hydro-electric commission;
 - (c) the members of a public utilities commission;
 - (d) the trustees of a police village; or
 - (e) the members of a board of trustees of a police village.

- 13.—**(1) Notwithstanding this Act or *The Municipal Amendment Act, 1978*, being chapter 32, for the period commencing on the 20th day of June, 1978, and ending on the 31st day of December, 1979, any rate, remuneration, expense or allowance paid to a member of the council of a municipality or a local board thereof or to an officer or servant of a municipality or a local board thereof in accordance with the provisions of *The Municipal Act* or any other general or special Act, as such Acts existed on the 19th day of June, 1978, shall be deemed not to be improperly paid by reason only of the fact that the payment was not made in accordance with the provisions of *The Municipal Act*, as amended by this Act, or *The Municipal Amendment Act, 1978*, being chapter 32. Remuneration
and
allowances,
saving
1978, c. 32

R.S.O. 1970,
c. 284

- (2) Notwithstanding this Act or *The Municipal Amendment Act, 1978*, being chapter 32, a conservation authority shall, for the year 1979, continue to be responsible for the payment of the remuneration and expenses of the members of the authority appointed by its participating municipalities, unless prior to the 15th day of February, 1979 the conservation authority passes a resolution transferring such responsibility to the participating municipalities. Conservation
authorities

- (3) Notwithstanding section 389d of *The Municipal Act*, as enacted by *The Municipal Amendment Act, 1978*, being chapter 32, that section shall be deemed not to require the filing of a statement in respect of remuneration and expenses paid for the years 1978 and 1979. No statements
required under
section 389d
for 1978 and 1979

- (4) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford. Interpre-
tation

s. 429,
repealed

14. Section 429 of the said Act is repealed.

s. 443 (6),
re-enacted

15. Subsection 6 of section 443 of the said Act is repealed and the following substituted therefor:

Approval
of by-law
by judge of
county or
district
court

(6) A by-law of the council of a township passed under clause *c* of subsection 1,

(a) in the case of a township in unorganized territory, does not have any force until approved by a judge of the district court of the district in which the township is situated; and

(b) in the case of a township separated for municipal purposes from the county in which it is situated, does not have any force until approved by a judge of the county court of the county in which the township is situated.

Notice to
clerk of
county

(6a) Where the council of a township, other than a township mentioned in subsection 6, intends to pass a by-law under clause *c* of subsection 1, it shall so notify, in writing, the clerk of the county in which the township is situated by registered mail or by personal service.

Objection
to by-law

(6b) If the council of the county objects to the passing of the proposed by-law in respect of which a notice is given under subsection 6a, it shall so notify the clerk of the township, in writing, by registered mail or by personal service within sixty days of the receipt of the notice by the clerk of the county, and thereupon the proposed by-law shall not be passed except by agreement between the council of the county and the council of the township and, failing agreement, the Municipal Board, upon application, may determine the matter and its decision is final.

Passage of
by-law

(6c) After giving the notice required under subsection 6a, the council of the township may pass a by-law under clause *c* of subsection 1 where,

(a) the council of the county has by by-law consented to the passing of the by-law by the township; or

(b) the sixty-day period referred to in subsection 6b has elapsed and no notice of objection has been received by the clerk of the township from the council of the county,

and the council of the county shall have no further right of objection.

- 16.** Clause *b* of subsection 1 of section 446 of the said Act is ^{s. 446 (1) (b),} repealed and the following substituted therefor: ^{re-enacted}

(*b*) the council shall hear any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

- 17.**—(1) Subsection 1 of section 472 of the said Act, as re-enacted ^{s. 472 (1),} by the Statutes of Ontario, 1976, chapter 51, section 13, ^{re-enacted} is repealed and the following substituted therefor:

(1) Every person is qualified to be elected a trustee or to ^{Qualifications,} vote at the election thereof, ^{trustees and} ^{electors}

(*a*) who is entitled to be an elector under section 12 or 13 of *The Municipal Elections Act, 1977* for the ^{1977, c. 62} election of members of the council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; and

(*b*) who is not disqualified by this or any other Act from holding the office of trustee or from voting at the election to such office.

- (2) Notwithstanding subsection 1 of section 472 of the said ^{Saving} Act, as re-enacted by subsection 1 of this section, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with subsection 1 of section 472 as it existed on the 19th day of June, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with subsection 1 of section 472 as re-enacted by subsection 1 of this section.

- 18.** Subsection 2 of section 502 of the said Act is repealed and the ^{s. 502 (2),} following substituted therefor: ^{re-enacted}

(2) The trustees appointed under subsection 1 shall be ^{Remuneration} deemed to be members of a council under sections 388 and ^{of trustees} 389 and section 389*d* applies with necessary modifications to the secretary-treasurer appointed under subsection 9.

- | | |
|-------------------|--|
| Commence-
ment | 19. —(1) This Act, except sections 2, 7, 8, 9 and subsection 1 of section 17, comes into force on the day it receives Royal Assent. |
| Idem | (2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor. |
| Idem | (3) Sections 7, 8 and 9 and subsection 1 of section 17 shall be deemed to have come into force on the 20th day of June, 1978. |
| Short title | 20. The short title of this Act is <i>The Municipal Amendment Act, 1978</i> . |

An Act to amend
The Municipal Act

1st Reading

December 5th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 13th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental
Affairs

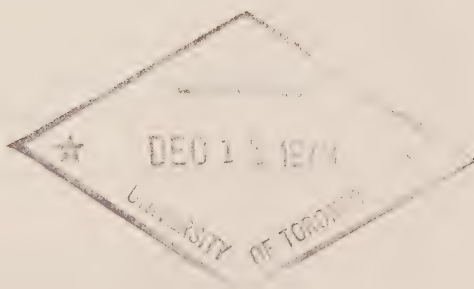
BILL 196

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Employment Standards Act, 1974

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to protect the employment of an employee who attempts to enforce the provisions of this or any other Act or who testifies or otherwise participates in a proceeding or hearing under this or any other Act or before a court of law.

BILL 196

1978

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Employment Standards Act, 1974*, being chapter 112, is ^{s. 9a, enacted} amended by adding thereto the following section:

9a. No employer shall,

No discipline,
dismissal, etc.,
by employer

- (a) dismiss or threaten to dismiss an employee;
- (b) discipline or suspend an employee;
- (c) impose any penalty upon an employee; or
- (d) intimidate or coerce an employee,

because the employee,

- (e) has sought the enforcement of this or any other Act or regulations made thereunder;
- (f) has given information to an employment standards officer;
- (g) has participated in or is about to participate in a proceeding or hearing under this or any other Act or before a court of law;
- (h) testifies or is about to testify in a proceeding or hearing under this or any other Act or before a court of law.

- 2.—(1)** Subsection 1 of section 57 of the said Act is repealed.

s. 57 (1),
repealed

s. 57 (2),
amended

(2) Subsection 2 of the said section 57 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "section 9a".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Employment Standards Amendment Act, 1978*.

An Act to amend
The Employment Standards
Act, 1974

1st Reading

December 5th, 1978

2nd Reading

3rd Reading

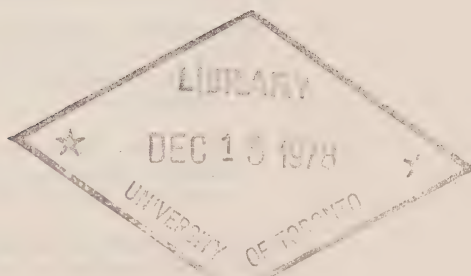
MR. MACKENZIE

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Crown Employees Collective Bargaining Act, 1972**

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The purpose of the Bill is to repeal certain provisions of *The Crown Employees Collective Bargaining Act, 1972* that restrict the composition of collective agreements negotiated under the Act.

SECTION 1. Section 13, as it now reads, is set out below:

- 13. No collective agreement or decision of a board shall contain any term which would require either directly or indirectly for its implementation the enactment or amendment of legislation except for the purpose of appropriating moneys for its implementation.*

SECTION 2. Subsection 3 of section 15, as it now reads, is set out below:

- (3) No collective agreement shall contain a provision which would require, as a condition of employment, membership in the employee organization.*

SECTION 3. Subsection 1 of section 17, as it now reads, is set out below:

- (1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine,*
- (a) employment, appointment, complement, organization, assignment, discipline, dismissal, suspension, work methods and procedures, kinds and locations of equipment and classification of positions; and*
 - (b) merit system, training and development, appraisal and superannuation, the governing principles of which are subject to review by the employer with the bargaining agent,*

and such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

BILL 197

1978

An Act to amend The Crown Employees Collective Bargaining Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Crown Employees Collective Bargaining Act*, s. 13,
1972, being chapter 67, is repealed. repealed
2. Subsection 3 of section 15 of the said Act is repealed. s. 15 (3),
repealed.
3. Subsection 1 of section 17 of the said Act, as re-enacted by s. 17 (1),
the Statutes of Ontario, 1974, chapter 135, section 9, is repealed.
repealed.
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. The short title of this Act is *The Crown Employees Collective Short title
Bargaining Amendment Act, 1978.*

An Act to amend
The Crown Employees Collective
Bargaining Act, 1972

1st Reading

December 5th, 1978

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

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Publication

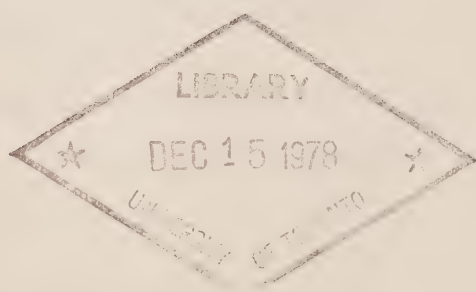
BILL 198

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Liquor Control Act, 1975

MR. SAMIS



EXPLANATORY NOTE

The purpose of the Bill is to enable independent grocery store owners to sell beer and Ontario wine.

BILL 198

1978

**An Act to amend
The Liquor Control Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Liquor Control Act, 1975*, being chapter 27, ^{s. 1,} amended is amended by adding thereto the following clause:

(ca) “independent grocery store owner” means a person who owns a store at which the principal business is the sale of foodstuffs and who does not own or, under the terms of an agreement, participate in a chain or franchise undertaking consisting of more than two other grocery stores.
2. Section 3 of the said Act is amended by adding thereto the ^{s. 3,} amended following clause:

(ea) to authorize independent grocery store owners to sell beer and Ontario wine from their grocery stores and to control the keeping for sale, sale and delivery of the beer and Ontario wine.
3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
4. The short title of this Act is *The Liquor Control Amendment* ^{Short title} Act, 1978.

An Act to amend
The Liquor Control Act, 1975

1st Reading

December 5th, 1978

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

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F BILL 199

Government
Publications

2ND SESSION, 31ST LEGISLATURE, ^TONTARIO
27 ELIZABETH II, 1978 *by Leg. Lib. Service*

An Act to amend The County Courts Act

THE HON. R. MCMURTRY
Attorney General and Solicitor General



BILL 199

1978

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

32a. Where in any Act an appeal to the county court is provided for, the county court has the same powers upon the hearing and disposition of the appeal as the Court of Appeal has under *The Judicature Act* in civil matters, subject to any express provision in the Act that provides for the appeal.

2. This Act shall be deemed to have come into force on the 31st day of March, 1978.
3. The short title of this Act is *The County Courts Amendment Act, 1978*.

s. 32a,
enacted

Powers
on
statutory
appeals
R.S.O. 1970,
c. 228

Commence-
ment

Short title

An Act to amend
The County Courts Act

1st Reading

December 7th, 1978

2nd Reading

December 12th, 1978

3rd Reading

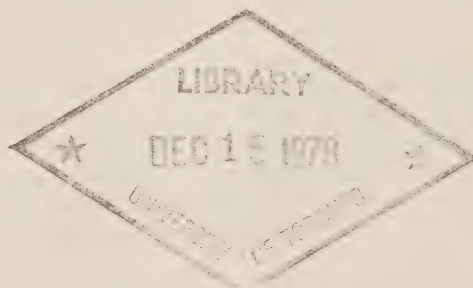
December 12th, 1978

THE HON. R. MCMURTRY
Attorney General and Solicitor General

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to provide for the Disclosure of Information relating
to the Financial Cost and Economic Impact of Government
Programs**

MR. VAN HORNE



EXPLANATORY NOTE

The purpose of this Bill is to provide for the public disclosure of the financial information upon which decisions to undertake certain Government Programs are based. The Bill requires that the estimated total cost of each program be disclosed and provides for additional scrutiny of program operations if the estimated total cost is exceeded. It also provides for the economic impact of newly introduced Government Programs.

BILL 200

1978

An Act to provide for the Disclosure of Information relating to the Financial Cost and Economic Impact of Govern- ment Programs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Auditor" means the Provincial Auditor;
- (b) "program" means a program, project, work, undertaking or service, the implementation of which is considered and approved by the Executive Council;
- (c) "public money" has the same meaning as in *The Financial Administration Act*. R.S.O. 1970,
c. 166

2.—(1) Where the Executive Council approves the im-
plementation of a program that is to be financed wholly or
in part with public money from the Consolidated Revenue
Fund, the Minister responsible for the program shall forth-
with prepare and make publicly available a compendium of
financial information in respect of the program.

Compendium
of financial
information

(2) The compendium of financial information shall contain
an assessment of the fiscal and economic impact of the
program and a summary of the cost information upon which
the decision to implement the program was based and,
without limiting the generality of the foregoing, the com-
pendium shall contain the following,

Contents of
compendium

- (a) a statement of the purposes and objectives of the program;
- (b) the estimated total cost of the program;

- (c) a description of the methods of cost measurement;
- (d) a description of the anticipated impact of the program on price levels, employment conditions, tax revenues and capital investment;
- (e) an evaluation of whether the program is likely to reduce the incentive to work;
- (f) an evaluation of whether the program is likely to encourage or discourage the formation of new business.

Cost
excess
statement

3.—(1) Where the Minister responsible for a program is informed that the cost of the program will exceed or has exceeded the estimated total cost of the program as stated in the compendium of financial information, the Minister shall inquire into the reasons for the increased cost and shall prepare and make publicly available a cost excess statement setting forth the reasons for the cost increase, the amount of excess cost incurred, if any, at the time the statement was prepared, and the revised estimated total cost of the program.

Supple-
mentary
cost excess
statement

(2) Where the Minister is informed that the cost of a program will exceed or has exceeded the revised estimated total cost of the program, the Minister shall forthwith make an inquiry into the reasons therefor and prepare and make available a supplementary cost excess statement setting forth the reasons for the additional cost increase, the amount of excess cost incurred, and the revised estimated total cost of the program.

Auditor's
investi-
gation

4. Where a cost excess statement or supplementary cost excess statement is required under this Act, the Auditor shall make an inquiry for the purpose of,

- (a) determining the adequacy of the cost analysis, cost forecasting and cost control methods used in the planning and administration of the program; and
- (b) recommending improvements in these methods to assure more efficient and effective program management,

and the Auditor shall report the findings and recommendations arising from such an inquiry to the Minister responsible for the administration of the program and to the standing Public Accounts Committee of the Assembly.

5.—(1) For the purposes of this Act, a compendium or statement shall be deemed to have been made publicly available when, ^{When compendium, etc., made publicly available}

- (a) the compendium or statement has been laid before the Assembly;
- (b) a copy of the compendium or statement has been filed with the Office of the Auditor;
- (c) a copy of the compendium or statement has been provided to each member of the standing Public Accounts Committee of the Assembly; and
- (d) a copy of the compendium or statement is made available for public inspection and reproduction during normal office hours at the central office of the Ministry responsible for administering the program.

(2) If a compendium of financial information, cost excess ^{Idem} statement or supplementary cost excess statement is prepared and the Assembly is not in session, copies of the compendium or statement shall be made available pursuant to subsection 1 notwithstanding the Assembly is not in session and such compendium or statement shall be laid before the Assembly at the commencement of the next ensuing session.

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

7. The short title of this Act is *The Program Cost and Economic Impact Disclosure Act, 1978*. ^{Short title}

An Act to provide for the Disclosure of
Information relating to the Financial Cost
and Economic Impact of Government
Programs

1st Reading

December 7th, 1978

2nd Reading

3rd Reading

MR. VAN HORNE

(*Private Member's Bill*)

15

B 56

Publications

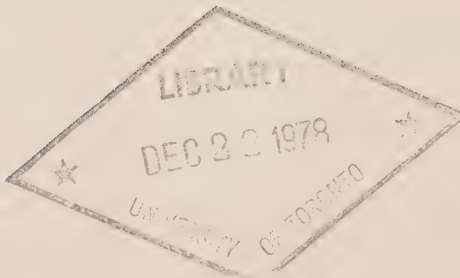
BILL 201

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to revise The Line Fences Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

The Bill replaces Bill 135 that was introduced in the Legislature and given first reading on June 22nd, 1978. Following its first reading that Bill was widely circulated and comments on it were sought from interested persons. This Bill incorporates a number of recommendations that were received; in addition, some sections have been reworded in an attempt to make their provisions clearer and the sequence of others has been rearranged to provide a more logical structure to the Bill.

As did Bill 135, this Bill revises and replaces the existing *Line Fences Act* that has remained substantially unaltered since its first appearance under that name in the Statutes of 1913. Among its principal features will be found the following:

1. Provision is made to govern the situation where the land of one owner is situate in a local municipality while that of the adjoining owner is situate in territory without municipal organization (s. 1 (3) and s. 17 (4)).
2. While the Act generally will not extend to unorganized territory in Ontario, the Lieutenant Governor in Council is empowered to make regulations to provide for determining how the costs of line fences are to be apportioned in such territory and for the manner in which the costs will be recoverable (s. 26).
3. Municipalities are required to appoint a sufficient number of fence-viewers and to set out in the appointing by-law the *per diem* remuneration they are to be paid (s. 2).
4. It is made explicit that an owner of land may construct and maintain a fence to mark the boundary between his and adjoining lands (s. 3).
5. No distinction is made in the application of the Act between occupied and unoccupied lands.
6. When an owner wishes the fence-viewers to view and arbitrate, he notifies the municipal clerk and the clerk in turn notifies the adjoining owner and three fence-viewers, specifying the time and place of the meeting for the arbitration (s. 4).
7. It is made clear that in their award the fence-viewers may specify one of three alternatives, that is that each owner be responsible for a designated portion of the fence, (normally, one-half) or that

while one owner be responsible for the construction or repair of the whole of the fence the other owner contribute a specified portion of the costs incurred or that one owner be responsible for the whole of the fence (s. 7).

8. Where one owner does not obey the award the other owner may, on notice, himself do the work and cause the fence-viewers to reattend to certify the default and the value of the work done. The amount may be recovered by the certificate being deposited with the clerk who places the amount on the collector's roll to be collected in the same manner as taxes. Alternatively, the certificate may be filed with the clerk of the appropriate small claims court and the amount recovered in the same manner as the amount of a judgment in that court (ss. 11, 12).
9. An owner in the process of constructing a fence pursuant to an award or direction under the Act is empowered to enter on adjoining land to the extent necessary; it is made an offence to obstruct that owner from entering on the land (s. 11 (4, 5)).
10. An owner dissatisfied with the fence-viewers award may appeal therefrom to a judge of the small claims court (s. 9).
11. Where one owner feels that the work done by an adjoining owner pursuant to an award is not in compliance with the award, he may cause the fence-viewers to reattend; the fence-viewers may require the appropriate action to be taken by the owner at fault and on his failure to do so the aggrieved owner may himself do the work and recover the cost (s. 13).
12. The Crown in right of Ontario, a Crown agency or a municipality that has land conveyed to it that was formerly a railway right-of-way, if it is not the owner of abutting land, is obligated to fence both sides of the former railway lands it has acquired (s. 19 (1) (c)).
13. The Act does not apply to lands owned by a municipality or local board unless the municipality or board provides that the Act does apply; municipalities and boards may however enter into agreements with owners of adjoining land for the construction and maintenance of boundary fences (s. 22).
14. The Act is not binding on the Crown or a Crown agency (s. 23).

(Note; that while Bill 135 in section 21 excluded Ontario Hydro from the application of the Act, this Bill does not contain that exclusion.)
15. The Minister is authorized to make regulations prescribing forms for the purposes of the Act (s. 25).

BILL 201

1978

An Act to revise The Line Fences Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Minister” means the Minister of Intergovernmental Affairs;
- (b) “occupant” means the occupant of adjoining land that is subject or proposed to be made subject to proceedings instituted under section 4;
- (c) “prescribed” means prescribed by the regulations;
- (d) “regulations” means regulations made under this Act;
- (e) “value of the work” and “costs of the work” have the same meaning and include the value of the materials used and the value of the labour performed to complete the work. *New.*

(2) Where, within the meaning of section 4, there is a ^{Idem} dispute between owners or occupants of lands situate in different local municipalities,

- (a) “fence-viewers” means two fence-viewers of the local municipality in which is situate the land of the owner or occupant notified under section 4, and one fence-viewer of the local municipality in which is situate the land of the person instituting the proceedings under that section;
- (b) “in which the land is situate” or “in which the land lies” means in which is situate the land of the owner or occupant so notified under section 4. R.S.O. 1970, c. 248, s. 1 (2), *amended*.

Idem

(3) Where, within the meaning of section 4, there is a dispute between the owner or occupant of land situate in a local municipality and the owner or occupant of land situate in territory without municipal organization,

(a) "fence-viewers" means three fence-viewers appointed by the local municipality in which the land of the one owner or occupant is situate, and at least one of the fence-viewers shall be resident outside the municipality in the vicinity of the land of the other owner or occupant;

(b) "local municipality in which the land is situate" means the local municipality in which is situate the land of the one owner or occupant. *New.*

Appointment
of fence-
viewers

2. The council of every local municipality shall, by by-law, appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the *per diem* remuneration to be paid to the fence-viewers. *New.*

Owner of land
may construct
boundary
fence

3. An owner of land may construct and maintain a fence to mark the boundary between his land and adjoining lands. *New.*

Owner may
request fence-
viewers to
view and
arbitrate

4.—(1) Where the owner of any land desires to have a fence constructed to mark the boundary between his land and the land of an adjoining owner, or where such a fence exists, to have it repaired or reconstructed and where he has not entered into a written agreement with the adjoining owner for sharing the costs of the construction, reconstruction, or repair, as the case may be, of such fence, he may notify the clerk of the local municipality in which the land is situate that he desires fence-viewers to view and arbitrate as to what portion of the fence each owner shall construct, reconstruct or repair and maintain and keep up.

Notice by
clerk

(2) Where the clerk of a municipality is notified under subsection 1, he, or such other person as may be designated by the council for the purpose of giving notices under this section, shall notify in the prescribed form the owner mentioned in subsection 1 and the adjoining owner or the occupant of the land of the adjoining owner that he will on a day named, not less than one week from the service of the notice, cause three fence-viewers of the locality to arbitrate in the premises and he shall notify in the prescribed form the fence-viewers not less than one week before their services are required that they are required to meet to arbitrate in the premises.

(3) A notice under subsection 2 shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time, being not more than thirty days from the date of the receipt of the notice under subsection 1, and place of the meeting for the arbitration, and the notice shall be given to a person mentioned in subsection 2 by sending it to him by registered mail at the address where he resides or, in the case of a notice to an owner or occupant, may instead be given by leaving it with him at his place of residence or with some other person, over the age of eighteen years, residing thereat. R.S.O. 1970, c. 248, s. 4, *part, amended.*

5. Where an occupant who is not the owner of the land is given a notice under this Act, he shall immediately inform the owner of the notice, and, if he neglects to do so, he is liable for all damage caused to the owner by such neglect. R.S.O. 1970, c. 248, s. 5, *amended.*

Duty and liability of occupants as to notifying owners

6. The fence-viewers shall examine the premises and, if required by either adjoining owner, shall hear evidence and may examine the owners and their witnesses on oath. R.S.O. 1970, c. 248, s. 6, *amended.*

Duties and powers of fence-viewers

7.—(1) The fence-viewers shall make an award in the prescribed form, signed by any two of them, respecting the matters in dispute and the award shall state that a fence shall be constructed and maintained and kept up to mark the boundary between the adjoining lands, or, where such a fence exists, that the fence shall be reconstructed or repaired, and shall be maintained and kept up, and the award shall specify,

Award of fence-viewers

(a) the location of the fence;

(b) that,

- (i) each adjoining owner shall construct, reconstruct or repair, as the case may be, and maintain and keep up a designated one-half of the fence or such other designated portion of the fence as the fence-viewers consider just, or
- (ii) that the adjoining owner designated shall construct, reconstruct or repair, as the case may be, and maintain and keep up the fence, and that the other adjoining owner shall, upon being notified by the designated adjoining owner of the costs of the work incurred

from time to time, pay to the designated adjoining owner one-half or such other designated proportion as the fence-viewers consider just of the costs incurred from time to time, or

- (iii) the adjoining owner named shall construct, reconstruct or repair, as the case may be, and maintain and keep up the whole fence,

as the fence-viewers consider just;

- (c) the description of the fence, including the materials to be used in the construction, reconstruction, repair or maintenance and keeping up of the fence;
- (d) the date by which the construction, reconstruction or repairs shall be commenced and the date by which such work shall be completed; and
- (e) the costs of the proceedings and by which of the owners or in what proportion the costs of the proceedings are to be paid. R.S.O. 1970, c. 248, s. 7 (1), *amended*.

Character
of fence

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be, located, and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. R.S.O. 1970, c. 248, s. 7 (2), *amended*.

Where
by-law
under
R.S.O. 1970,
c. 284
in force

(3) Where there is a by-law in force in the municipality under *The Municipal Act* prescribing the height and description of lawful fences or otherwise regulating the construction of fences, the description of the fence specified in the award shall conform to the by-law. *New*.

Location
of fence

(4) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the adjoining owners, they may locate it either wholly or partly on the land of either of the adjoining owners where it seems to be most convenient, but such location shall not in any way affect the title to the land. R.S.O. 1970, c. 248, s. 7 (3), *amended*.

(5) Where the fence-viewers locate a fence wholly or partly on the land of either of the adjoining owners under subsection 5, the fence-viewers may employ an Ontario land surveyor to have the location of the fence described by metes and bounds. R.S.O. 1970, c. 248, s. 7 (4), *amended*. ^{Employment of surveyor}

(6) Subsections 2, 3 and 4 of section 17 respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to fees payable to a land surveyor employed under subsection 5. *New*. ^{Fees of land surveyor}

8.—(1) The award shall be deposited in the office of the clerk of the local municipality in which the land is situate, and may be proved by a copy certified by the clerk, and a copy of the award certified by the clerk shall forthwith be sent by him by registered mail to the owners and occupants of the adjoining lands to their last known place of residence. R.S.O. 1970, c. 248, s. 8, *amended*. ^{Deposit of award, etc.}

(2) Where the lands of the adjoining owners are situate in different local municipalities, a clerk under subsection 1 shall, forthwith upon the deposit of an award in his office, forward a copy of it certified by him to the clerk of the other municipality in which part of the lands are situate. *New*. ^{Where land situate in different municipalities}

9.—(1) An owner dissatisfied with the award may appeal therefrom to a judge of the small claims court for the territorial division in which the land is situate by serving on the owner or occupant of the adjoining land and the fence-viewers, within fifteen days of receiving a copy of the award under section 7, a notice of appeal in the prescribed form and by filing a copy of each notice together with an affidavit of service of the notice in the prescribed form with the clerk of the court within that period. R.S.O. 1970, c. 248, s. 12 (1), *amended*. ^{Appeal}

(2) A notice under subsection 1 shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. *New*. ^{Service of notice}

(3) Upon the filing of the copies of the notices and the affidavits mentioned in subsection 1, the clerk of the court shall forthwith fix the time and place for the hearing of the appeal, and notice of the time and place of the appeal shall be served on each person served with a notice under subsection 1 and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice of trial is served on a party to a suit under *The Small Claims Courts Act*. R.S.O. 1970, c. 248, s. 12 (4), *amended*. ^{Notice of hearing} ^{R.S.O. 1970, c. 439}

Powers of
judge

(4) The judge shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of costs by either party and fix the amount of the costs.

Decision
of judge
to be final

(5) The decision of the judge is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. R.S.O. 1970, c. 248, s. 12 (5, 6).

Procedure

(6) The practice and procedure on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the small claims court, but the judge may at any time give special direction as to the conduct of the hearing so that he may properly and fully inform himself of all relevant facts and may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal. R.S.O. 1970, c. 248, s. 12 (7), *amended*.

Where
land in
different
court
divisions

(7) Notwithstanding subsections 1 and 3, where the award affects land in two or more territorial divisions, the appeal may be to the judge of the small claims court for the territorial division in which any part of the land is situate and in such case the documents mentioned in subsection 1 shall be filed with the clerk of the court in which the appeal is to be heard. R.S.O. 1970, c. 248, s. 12 (8), *amended*.

Judge's
expenses

10.—(1) If the judge of the small claims court inspects the premises or hears the appeal at a place other than the place where proceedings in that court are usually conducted, he is entitled to be paid the actual expenses incurred by him and, in the order setting aside, altering or affirming the award, shall fix the amount of such expenses and name the person by whom the amount is to be paid.

Municipality
to pay
expenses
and collect
amount

(2) The judge shall be paid by the corporation of the municipality the amount so fixed, and it shall be collected in the same manner as is provided in respect of the fence-viewer's fees. R.S.O. 1970, c. 248, s. 14, *amended*.

Owner may
require
award to be
obeyed

11.—(1) Where the award specifies that a portion or all of the fence shall be repaired, constructed, reconstructed, maintained or kept up by one adjoining owner and that adjoining owner fails to obey the award, the other adjoining

owner may, by notice, served by him on the first adjoining owner or the occupant of his land, require the first adjoining owner to obey the award. R.S.O. 1970, c. 248, s. 10 (1), *part, amended.*

(2) A notice served by an adjoining owner under sub-section 1 shall be served in the same manner as a notice to an owner or occupant is served by the clerk under section 4. *New.*

(3) If the notice is not obeyed within two weeks after it has been served, the owner desiring to enforce the award may do or complete the work that the award directs and may immediately institute proceedings to recover the value of the work done or completed and the costs of the proceedings from the owner of the adjoining land. R.S.O. 1970, c. 248, s. 10 (1), *part, amended.*

(4) An owner, or any person acting on his behalf, in doing or completing work pursuant to an award under section 7 or under subsection 3 or under subsection 7 of section 13, may enter on the property of the adjoining owner to the extent that it is necessary to do or complete the work, but in making such entry or doing or completing such work shall do no unnecessary spoil or waste. *New.*

(5) No person shall obstruct or threaten to obstruct a person entering on to property or doing or completing work in accordance with subsection 4 and every person who contravenes this subsection is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. *New.*

(6) Where the award specifies that one adjoining owner shall pay to the designated adjoining owner a portion of the costs of the work under subclause ii of clause b of subsection 1 of section 7, the designated adjoining owner may notify the other adjoining owner or the occupant of his land of the amount owing in accordance with the award in the same manner as an owner may give notice under subsection 2, and, where such amount is not paid within twenty-eight days following the day on which the notice is given, the designated adjoining owner may institute proceedings to recover the amount and the costs of the proceedings from the other adjoining owner.

(7) An owner desiring to institute proceedings under sub-section 3 or 6 shall notify the clerk of the local municipality in which the land is situate that he desires the three fence-viewers who made the award to reattend at the premises and certify,

(a) the default of the adjoining owner; and

(b) the value of the work done by the owner which according to the award ought to have been done by the adjoining owner or the portion of the costs of the work done which ought to have been paid by the adjoining owner, as the case may be.

Notice by
clerk

(8) Where the clerk of a municipality is notified by an owner under subsection 7, he, or such other person as may be designated by the council for the purpose of giving notices under this section, shall forthwith notify in the prescribed form that owner and the owner or occupant of the adjoining land that he will, on a day named, not less than one week from the service of the notice, cause the fence-viewers to reattend at the premises and he shall also notify in the prescribed form the fence-viewers not less than one week before their services are required.

Idem

(9) The notices in each case shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time and place of the reconvening of the fence-viewers, and the notices shall be served in the same manner as a notice served under subsection 3 of section 4.

Notice to
another
fence-viewer
to attend

(10) Where an owner notifies the clerk under subsection 7, and for any reason any of the three fence-viewers who made the award is unable to reattend at the premises, the clerk shall notify another fence-viewer of the municipality to attend in his place. *New.*

Duties of
fence-viewers

12.—(1) The fence-viewers, upon receiving a notice served under subsection 8 of section 11, or upon being notified under subsection 10 of that section, shall attend in accordance with such notice, and if satisfied that the adjoining owner or the occupant of his land was duly notified under subsection 1 or 6, as the case may be, of section 11 and has failed to obey the award, the fence-viewers shall,

(a) where the adjoining owner or the occupant of his land was notified under subsection 1 of section 11, determine the value of the work done by the owner desiring to enforce the award which is attributable to the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and certifying the value of the said work; or

(b) where the adjoining owner or the occupant of his land was notified under subsection 6 of section 11,

determine the value of the work done by the owner desiring to enforce the award and the portion of that value payable by the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and the amount payable by him as his share of the costs of the work.

(2) The fence-viewers shall specify in a certificate under ^{Costs} subsection 1 the costs of the proceedings described in that subsection and shall specify either that the adjoining owner or that the other owner pay the costs, or that each of them pay a specified portion of the costs.

(3) The fence-viewers shall, in the certificate, certify the ^{Idem} amount payable by the adjoining owner as his share of the costs of the proceedings described in subsection 1 and of the proceedings under section 4, less the portion of that amount payable as fees to the fence-viewers or fees to a land surveyor employed under subsection 5 of section 7, and the total amount certified pursuant to this subsection and subsection 1 shall become payable to the owner or occupant desiring to enforce the award.

(4) Upon preparing a certificate under subsection 1, the ^{Deposit of} fence-viewers shall forthwith deposit the certificate with the ^{certificate} clerk of the local municipality within which the land is situate and the provisions of subsections 1 and 2 of section 8 respecting an award apply with necessary modifications to the certificate. *New.*

(5) The clerk of the local municipality in which the land ^{Collection} of the adjoining owner is situate shall, upon receiving a ^{of amount} certificate prepared under subsection 1 and the award in ^{as taxes} respect of which the certificate was made, or copies thereof certified by the clerk in accordance with this Act, and upon application in writing by the owner entitled to receive the amount certified, have the total amount certified placed upon the collector's roll and the amount may be collected in the same manner as taxes and is until so collected or otherwise paid a charge upon the land liable for payment thereof and when collected shall forthwith be paid over to the owner entitled thereto. R.S.O. 1970, c. 248, s. 10 (2), *amended*.

(6) Notwithstanding subsection 5, the council of a local ^{Payment by} municipality may, by by-law, provide that where a certificate ^{treasurer} and an award mentioned in that subsection and made in respect of land situate within the municipality, or copies thereof certified by a clerk in accordance with this Act, are deposited with the clerk of the municipality, the

treasurer of the municipality may, upon written application therefor, pay to the owner entitled to receive the amount certified, the amount so certified or a portion thereof, where he is satisfied that the owner is entitled thereto, and where an owner has received the amount certified or a portion thereof under this subsection, he is not entitled to make an application or receive an amount under subsection 5.

Collection
of amount
as taxes

(7) An amount paid to an owner under subsection 6 shall be placed upon the collector's roll and may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as the interest added by the municipality under section 553 of *The Municipal Act* to taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof.

R.S.O. 1970,
c. 284

Notice by
treasurer

(8) Upon making a payment to an owner under subsection 6, the treasurer shall forthwith notify in the prescribed form the adjoining owner against whom the award is being enforced that the payment has been made.

Levy of
amount
against
goods and
chattels

(9) Instead of having the amount certified placed upon the collector's roll, or instead of applying for that amount or a portion thereof under a by-law passed pursuant to subsection 6, the owner entitled to receive the amount may file a copy of the certificate and of the award in respect of which the certificate was made, certified by the clerk in accordance with this Act, with the clerk of the small claims court of the division in which any part of the land affected by the award is situate, and upon being so filed, the amount may be levied against the goods and chattels and land of the adjoining owner in the same manner as the amount of a judgment of a small claims court may be levied under *The Small Claims Courts Act*. *New.*

R.S.O. 1970,
c. 439

When work
may be
dismantled

13.—(1) Notwithstanding subsection 3 of section 11, an owner desiring to enforce an award shall not dismantle work done by the adjoining owner in respect of the fence mentioned in the award except in accordance with this section.

Notice

(2) Where in the opinion of an owner work done by an adjoining owner pursuant to an award made under section 7 in respect of their lands is not in compliance with the description of the fence or the location of the fence as specified in the award, the owner may, by notice served by him on the adjoining owner or occupant of his land, require the adjoining owner to make the work comply with the award.

(3) A notice under subsection 2 shall specify in what ^{Particulars} particulars the work done fails to comply with the award and shall be served by an owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4.

(4) If the notice is not obeyed within two weeks after it has been served, the owner may cause the fence-viewers to ^{Fence-viewers to reattend} reattend at the premises to view the work and to determine whether or not the work complies with the award.

(5) The provisions of section 4 respecting the convening of ^{Service of notices} fence-viewers apply with necessary modifications to the recalling of fence-viewers under subsection 4.

(6) Where the fence-viewers determine under subsection 4 ^{Powers of fence-viewers} that the work does not comply with the award, they shall in the prescribed form set out their determination with reasons therefor and shall specify the action to be taken by the adjoining owner to make such work comply, the date by which such action shall commence, and the date by which the work shall be completed.

(7) Where the adjoining owner does not comply with the ^{Where owner does not comply} directions given by the fence-viewers under subsection 6, the owner that initiated the proceedings under this section may, by notice to the adjoining owner or the occupant of his land, require the adjoining owner to obey the directions, and the provisions of sections 11 and 12 respecting the enforcement of an award apply with necessary modifications to the enforcement of the directions given by the fence-viewers under subsection 6.

(8) Where the fence-viewers make a determination with ^{Fees} directions under subsection 6, they shall specify the fees payable in respect of their services under subsections 4 and 6 and that the fees be paid by the adjoining owner or the other owner or that a specified portion of the fees be paid by each of them.

(9) Section 8 applies with necessary modifications to a ^{Deposit of determination} determination with directions made by the fence-viewers under subsection 6. *New.*

14.—(1) Where the fence-viewers have attended at premises ^{Where no award made, fees of fence-viewers} pursuant to a notice given under subsection 2 of section 4, subsection 8 of section 11, or subsection 5 or 7 of section 13, and have decided that no award, certificate, or determination with directions as the case may be, shall be made, they shall prepare their decision in the prescribed form giving

reasons therefor, and shall specify in the decision that the fees of the fence-viewers in respect of such attendance be paid either by one adjoining owner or by the other or that a specified portion of the fees be paid by each of them.

Deposit
of decision

(2) Section 8 applies, with necessary modifications, to a decision made under subsection 1. *New.*

Award to be
a charge on
land if
registered

15.—(1) The award and a certificate made in respect of the award may be registered in the proper land registry office and when registered are charges upon the land affected by them.

How
registered

(2) Registration may be by the registration of a duplicate of the award or certificate, as the case may be, or of a copy thereof, verified by an affidavit, together with an affidavit of the execution of the award or certificate. R.S.O. 1970, c. 248, s. 11, *amended.*

Enforcement
of agreements

16. Any agreement in writing in the prescribed form between owners respecting a line fence may be registered and enforced as if it were an award of fence-viewers. R.S.O. 1970, c. 248, s. 15, *amended.*

Fees to
surveyors
and witnesses

17.—(1) An Ontario land surveyor and a witness are entitled to the same compensation as if subpoenaed in a small claims court.

Payment of
fence-viewers
fees

(2) The corporation of the local municipality shall, at the expiration of the time for appeal from an award made under section 7 or after appeal, as the case may be, and, where applicable, upon the depositing of a certificate under subsection 4 of section 10 or subsection 7 of section 13, or of a determination with directions under subsection 9 of section 13, or a decision under section 14, pay to the fence-viewers their fees, and shall, unless the fees or a portion thereof are forthwith repaid by the person adjudged to pay the fees or the portion thereof, place the amount unpaid upon the collector's roll, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as the interest added by the municipality under section 553 of *The Municipal Act*, to taxes due and unpaid and is until so collected or otherwise paid a charge upon the land liable for payment thereof. R.S.O. 1970, c. 248, s. 13, *amended.*

R.S.O. 1970,
c. 284

Where land
in adjacent
municipality

(3) Where the land of the person adjudged to pay the fees or a portion thereof is not situate within the local municipality, the clerk of the municipality shall, where the land is situate in an adjacent municipality, notify the clerk

of the adjacent municipality of the amount owing by such person in respect of the fees or the portion thereof, and the clerk of the adjacent municipality shall place the amount upon the collector's roll for that municipality, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as the interest added by the municipality under section 553 of *The Municipal Act*, to taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof, and when the amount with interest or any part thereof is collected the clerk shall forthwith remit it to the clerk of the municipality that gave the notice under this subsection.

R.S.O. 1970,
c. 284

(4) Where the land of the person adjudged to pay the fees or a portion thereof is situate in territory without municipal organization, the amount owing by such person in respect of the fees or the portion thereof may be recovered with interest as a debt due to the municipality from such person. *New.*

Where land in
unorganized
territory

18. Where there is an unopened road allowance lying between the lands of two owners and not enclosed by a lawful fence, it is the duty of the fence-viewers, when called upon, to divide the road allowance equally between the owners of the lands, and to require each owner to construct, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section in any way affects or interferes with the rights of the municipality in the road allowance or is deemed to confer any title therein upon such owners or either of them. R.S.O. 1970, c. 248, s. 2 (3), *amended*.

Unopened
road
allowance

19.—(1) Where land that was formerly used as part of a line of railway is conveyed in its entire width by the railway company,

Duties of
owner of
former
railway
right-of-way

- (a) to the owner of abutting land, such owner, his heirs, executors and assigns, are responsible for constructing, keeping up and repairing the fence that marks the lateral boundary between the conveyed lands and the lands of the adjoining owner for a period of ten years from the date of the conveyance and thereafter section 4 applies;
- (b) to a person who is not the owner of abutting land, such person, his heirs, executors and assigns, are responsible for constructing, keeping up and repairing the fences that mark the lateral boundaries of such land; or

R.S.O. 1970,
c. 100

- (c) to the Crown in right of Ontario, a Crown agency within the meaning of *The Crown Agency Act* or the corporation of a municipality where the Crown, Crown agency or corporation, as the case may be, is not the owner of abutting land, the Crown, Crown agency or corporation is responsible for constructing, keeping up and repairing the fences that mark the lateral boundaries of such land. R.S.O. 1970, c. 248, s. 3, *amended*.

Interpre-
tation

- (2) For the purpose of clause c of subsection 1, "municipality" includes a regional, metropolitan or district municipality and the County of Oxford. *New*.

Certain
fences
removable
on notice

20.—(1) The owner of the whole or part of a line fence that forms part of the fence marking the boundary between his land and the land of an adjoining owner shall not take down or remove any part of such fence.

- (a) without giving at least six months previous notice of his intention to the owner or occupant of the adjacent land unless the owner or occupant, after demand made upon him in writing by the owner of the fence, refuses to pay therefor the sum determined as provided by section 7; or
- (b) if such owner or occupant will pay to the owner of the fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 7.

Other
provisions
of Act
to apply

(2) The provisions of this Act for determining disputes between owners of adjoining lands, the manner of enforcing awards and appeals therefrom and the prescribed forms and all other provisions of this Act, so far as applicable, apply to proceedings under this section. R.S.O. 1970, c. 248, s. 16, *amended*.

Where tree
thrown down
across
line fence

21.—(1) If any tree is thrown down by accident or otherwise across a line fence, or in any way in and upon the land adjoining that upon which the tree stood, causing damage to the crop upon such land or to such fence, the owner or occupant of the land on which the tree stood shall forthwith remove it and also forthwith repair the fence and otherwise make good any damage caused by the falling of the tree. R.S.O. 1970, c. 248, s. 17 (1).

When
injured
party
may remove
tree

(2) On the neglect or refusal of the owner or occupant of the land on which the tree stood so to do for forty-eight hours after notice in writing to remove the tree, the injured

person may remove it in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain the tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of the tree from the person liable to pay it. R.S.O. 1970, c. 248, s. 17 (2), *amended*.

(3) For the purpose of such removal, the owner of the tree may enter into and upon the adjoining land doing no unnecessary spoil or waste. Right of entry

(4) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom is binding upon the parties. Fence-viewers to decide disputes
R.S.O. 1970, c. 248, s. 17 (3, 4).

22.—(1) Subject to subsections 3 and 4, this Act does not apply to lands owned by the corporation of a municipality or a local board within the meaning of *The Municipal Affairs Act*. Act not to apply to lands of a municipality or local board
R.S.O. 1970, c. 118

(2) For the purposes of this section, “municipality” includes a regional, metropolitan or district municipality and the County of Oxford. Interpretation

(3) The council of a municipality or a local board may enter into agreements with owners of land adjoining land owned by the municipality or the local board, as the case may be, for the construction, reconstruction, repair, maintenance and keeping up of line fences to mark the boundary of such lands, and any such agreement when reduced to writing in the prescribed form may be registered and enforced as if it were an agreement between owners under section 16. Agreements

(4) This Act applies to lands owned by a municipality or a local board, or to any class or classes of such lands, where the council of the municipality or the local board, as the case may be, has provided that this Act shall apply. *New*. When Act applies to lands owned by municipality or local board

23. This Act does not apply so as to bind the Crown in right of Ontario or a Crown agency within the meaning of *The Crown Agency Act*. *New*. Crown not bound by Act
R.S.O. 1970, c. 100

24. The provisions of this Act respecting the apportionment of the costs of a line fence and the enforcement thereof do not apply in a municipality where a by-law passed under paragraph 21 of subsection 1 of section 354 of *The Municipal Act* is in force. *New*. Where Act not to apply
R.S.O. 1970, c. 284

Regulations
by Minister

25. The Minister may make regulations prescribing forms for the purposes of this Act and providing for their use. *New.*

Regulations
by
Lieutenant
Governor
in Council

26. The Lieutenant Governor in Council may make regulations to provide for determining how the costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned, and for providing for the manner in which any amount so apportioned shall be recoverable. *New.*

R.S.O. 1970,
c. 248,
repealed

27. *The Line Fences Act*, being chapter 248 of the Revised Statutes of Ontario, 1970, is repealed.

Commence-
ment

28. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. The short title of this Act is *The Line Fences Act, 1978.*

An Act to revise
The Line Fences Act

1st Reading

December 8th, 1978

2nd Reading

3rd Reading

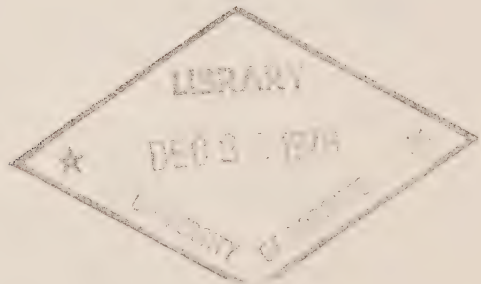
THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Residential Premises Rent Review
Act, 1975 (2nd Session)**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill postpones the repeal of the Act for three months, from the 31st day of March, 1979 to the 30th day of June, 1979. The continuation of the Act for certain specified purposes is correspondingly extended.

BILL 202

1978

**An Act to amend
The Residential Premises Rent Review
Act, 1975 (2nd Session)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1 and 1978, chapter 80, section 1, is repealed and the following substituted therefor: s. 20 (1),
re-enacted

(1) This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 30th day of June, 1979. Commence-
ment and
expiry

(2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1978, chapter 80, section 1, is repealed and the following substituted therefor: s. 20 (2),
re-enacted

(2) Notwithstanding subsection 1, Idem

(a) where there has been an increase in rent for residential premises charged to take effect after the 30th day of June, 1978, and on or before the 30th day of June, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

(b) this Act continues in force for the purpose of,

- (i) hearing and making orders in respect of applications filed on or before the 30th day of June, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*.

An Act to amend The Residential
Premises Rent Review Act, 1975
(2nd Session)

1st Reading

December 8th, 1978

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislature Ass.

**An Act to amend
The Residential Premises Rent Review
Act, 1975 (2nd Session)**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



BILL 202

1978

**An Act to amend
The Residential Premises Rent Review
Act, 1975 (2nd Session)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1 and 1978, chapter 80, section 1, is repealed and the following substituted therefor: s. 20 (1),
re-enacted

(1) This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 30th day of June, 1979. Commence-
ment and
expiry

- (2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1978, chapter 80, section 1, is repealed and the following substituted therefor: s. 20 (2),
re-enacted

- (2) Notwithstanding subsection 1,

Idem

- (a) where there has been an increase in rent for residential premises charged to take effect after the 30th day of June, 1978, and on or before the 30th day of June, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

- (b) this Act continues in force for the purpose of,

(i) hearing and making orders in respect of applications filed on or before the 30th day of June, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*.

An Act to amend The Residential
Premises Rent Review Act, 1975
(2nd Session)

1st Reading

December 8th, 1978

2nd Reading

December 12th, 1978

3rd Reading

December 12th, 1978

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

B
3
F
BILL 203

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTE

Section 368*b* of *The Municipal Act* empowers a municipality to pass by-laws licensing and regulating adult entertainment parlours. Subsection 8 of section 368*b* now reads as follows:

- (8) *By-laws passed under this section do not apply to premises or trades, callings, businesses or occupations carried on in premises licensed under The Theatres Act or licensed under The Liquor Licence Act, 1975 or licensed under a by-law passed under section 368a of this Act.*

The proposed amendment to subsection 8 would allow municipalities to pass by-laws under section 368*b* that would apply to premises licensed under *The Liquor Licence Act, 1975*.

BILL 203

1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 368*b* of *The Municipal Act*, being ^{s. 368*b* (8), re-enacted} chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1978, chapter 17, section 2, is repealed and the following substituted therefor:

(8) By-laws passed under this section do not apply to ^{Non-application of by-laws} premises or trades, callings, businesses or occupations carried on in premises licensed under *The Theatres Act* or licensed ^{R.S.O. 1970, c. 459} under a by-law passed under section 368*a* of this Act.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. The short title of this Act is *The Municipal Amendment Act*, ^{Short title} 1978.

An Act to amend
The Municipal Act

1st Reading

December 12th, 1978

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

B
B 56
7
BILL 203

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs





BILL 203

1978

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 368*b* of *The Municipal Act*, being ^{s. 368*b* (8), re-enacted} chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1978, chapter 17, section 2, is repealed and the following substituted therefor:

(8) By-laws passed under this section do not apply to ^{Non-application of by-laws} premises or trades, callings, businesses or occupations carried on in premises licensed under *The Theatres Act* or licensed ^{R.S.O. 1970, c. 459} under a by-law passed under section 368*a* of this Act.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. The short title of this Act is *The Municipal Amendment Act*, ^{Short title} 1978.

An Act to amend
The Municipal Act

1st Reading

December 12th, 1978

2nd Reading

December 14th, 1978

3rd Reading

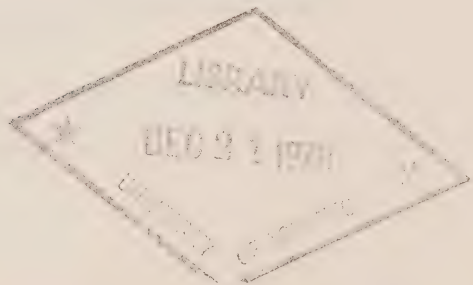
December 14th, 1978

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Legislative Assembly Act**

MR. SWART



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend
The Legislative Assembly Act

1st Reading

December 12th, 1978

2nd Reading

3rd Reading

MR. SWART

(*Private Member's Bill*)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act respecting
Local Government in the District of Parry Sound**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

The Bill incorporates certain unorganized portions of the west part of the District of Parry Sound into a municipality to be called the Township of North Georgian Bay. It also annexes certain lands to the Town of Kearney and to the Town of Parry Sound.

PART I of the Bill deals with the Township of North Georgian Bay. Sections 1 and 2 are definition sections, and section 3 refers to the lands being brought under municipal organization.

SECTION 4 provides for a council consisting of a mayor and ten councillors. The first election is to occur in 1979, and the Province is to bear the cost of this election. The section also provides that the Minister shall establish wards, and may allow a vote on a new name for the Township.

BILL 205

1978

An Act respecting Local Government in the District of Parry Sound

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Inter-
governmental Affairs. Inter-
pre-
tation

PART I

TOWNSHIP OF NORTH GEORGIAN BAY

2. In this Part, "Township" means the Township of North Idem
Georgian Bay as constituted under section 3.

3. On the 1st day of December, 1979, the inhabitants of Township
of North
Georgian Bay
incorporated
the geographic Township of Cowper and of those portions of the geographic townships of Conger, Shawanaga and Harrison, all of which lands are described in Schedule A hereto, are incorporated as a township municipality bearing the name "The Corporation of the Township of North Georgian Bay".

4.—(1) The council of the Township shall consist of a mayor Composition
of council
to be elected by general vote, and ten councillors.

(2) The election of the first council shall be held in the Election
of first
council
year 1979 and, notwithstanding *The Municipal Elections Act, 1977*, the first council elected shall hold office for three 1977, c. 62
years, commencing on the 1st day of December, 1979.

(3) Notwithstanding *The Municipal Elections Act, 1977*, 1979 election;
Minister's
powers
the Minister shall, by order, provide for the holding of the election in the year 1979 of the members of the first council of the Township, including nominations, polling days, polling places, the appointment of returning officers, preparation of polling lists, and any other matters considered necessary in respect of the first election.

Minister
to divide
Township
into wards

(4) For the purposes of the election of the first council, the Minister shall by order divide the Township into wards and provide for the number of members of council other than the mayor to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Referendum
re name

(5) If directed by order of the Minister, a vote of the electors of the Township shall be taken at the same time as the election of the first council to determine, from among the names designated by the Minister, which name the Township shall bear, and following the vote the Minister shall by order confirm the name of the Township as set out in section 3, or declare the name that the Township shall bear, and, where a declaration is made, all references to the Township shall be deemed to refer to the name of such Township as designated in the declaration.

Expenses
for election
of first
council

(6) The expenses of the Township for the election of the first council shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Place of
meetings

5. The meetings of the council shall be held at such place in the District of Parry Sound as the council from time to time appoints.

General
administrative
head

6.—(1) The council of the Township may, by by-law, appoint a general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the Township and perform such duties as the council by by-law describes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of council; and

(d) shall receive such salary as the council by by-law determines.

Application of
R.S.O. 1970,
c. 284,
s. 238 (2)

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

Dissolution
of local
roads area
and board

7.—(1) Where an established local roads area is entirely within the Township, the local roads area and board thereof are dissolved on the 1st day of December, 1979, and all the

SECTION 5 permits council meetings to be held anywhere in the District of Parry Sound, whether inside or outside the Township.

SECTION 6 provides that a person may be appointed to perform the same duties that a chief administrative officer appointed under *The Municipal Act* can perform.

SECTION 7 provides that local roads areas in the Township are dissolved and that decisions of local roads boards regarding road maintenance in the area are carried over to the new Township. The section also vests all assets and liabilities of the dissolved local roads boards in the Township, and permits the Township to agree with the Provincial Land Tax Collector as to the collection of arrears of that tax.

assets and liabilities of the board become on such date, assets and liabilities of the Township.

(2) Where only part of an established local roads area is within the Township, that part of the local roads area is removed from the local roads area on the 1st day of December, 1979, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal
of part
of local
roads area

R.S.O. 1970,
c. 256

(3) All taxes and penalties assessed by a local roads board against any land in the Township which are due and unpaid on the 1st day of December, 1979, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Unpaid taxes,
collection of
by Township

(4) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Agreement
respecting
collection of
land tax
R.S.O. 1970,
c. 370

(5) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of December, 1979.

Local
roads board
program
deemed
adopted

(6) For purposes of subsection 5, the maintenance of the extension of the Pine Bay Road from Pine Bay to Woods Bay shall be deemed to be part of the road program of the South Conger Local Roads Board.

Extension
of Pine
Bay Road;
maintenance
deemed part
of South
Conger roads
program

(7) Where part of a local roads area is removed from the local roads area under subsection 2, the remaining part is deemed to be a continuation of the original local roads area and the Minister of Transportation and Communications may, for December, 1979, and for the year 1980, by order, appoint persons to fill any vacancies on the board of trustees brought about as a result of this Act.

Appointment
to fill
vacancies

Territory detached from Parry Sound for purposes of 1974, c. 109, s. 51 (2)

8.—(1) The territory without municipal organization that becomes part of the Township under section 3 and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of December, 1979.

School tax arrears deemed assets of Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of December, 1979 shall be deemed to have become assets of the Township on the 1st day of December, 1979.

Township to pay school tax arrears to Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township has right to recover taxes under R.S.O. 1970, c. 118, Pt. III

(4) The Township has and shall be deemed always to have had the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of December, 1979, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of December, 1979, such procedures may be taken up and continued by the proper officers of the Township.

Agreements for services

9. The Township and any municipality, including a district municipality, may enter into agreements for providing any services within the jurisdiction of the Township.

Township planning area under R.S.O. 1970, c. 349

10. On and after the 1st day of December, 1979, the Township shall be a planning area under *The Planning Act* to be known as The North Georgian Bay Planning Area and the Township council shall be the planning board thereof, and where the Township council meets in respect of matters pertaining to planning, no separate meeting of the council as a planning board is required.

Indian inhabitants

11. Nothing in this Act affects any existing right of Indian inhabitants to hunt, fish or trap within the Township.

SECTION 8 deals with education matters; it removes the Town of Parry Sound from education tax collections and gives the Township the right to collect taxes, including arrears.

SECTION 9 permits the Township and another municipality to contract for services.

SECTION 10 establishes the Township as a planning area and deems the council to be the planning board.

SECTION 11 protects existing Indian treaty rights to hunt, fish and trap.

PART II of the Bill deals with the Kearney annexation. Section 13 provides for the territories to be annexed, as well as defining the council to be elected in 1979. The costs of the first election are to be paid by the Province. The Town is deemed to be a township for highway subsidy purposes.

SECTION 14 sets out the same provisions for local roads areas and collection of taxes as apply in the Township of North Georgian Bay.

PART II

TOWN OF KEARNEY

12. In this Part, "Town" means the Town of Kearney as constituted under section 13. Interpretation

13.—(1) On the 1st day of December, 1979, the geographic townships of Bethune and Proudfoot and those portions of the geographic townships of Butt and McCraney described in Schedule B hereto are annexed to the Town. Lands annexed to Town

(2) On and after the 1st day of December, 1979, the council of the Town shall consist of a mayor to be elected by general vote and six councillors. Composition of council

(3) Notwithstanding *The Municipal Elections Act, 1977*, the election of the first council shall be held in the year 1979 and for the purposes of that election the Minister shall, by order, divide the Town into wards and provide for the number of members of council, other than the mayor, to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board. Election of first council 1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, on the 30th day of November, 1979, the existing council is dissolved, and the first council elected shall hold office for three years, commencing on the 1st day of December, 1979. Existing council dissolved; term of office of first council

(5) The expenses of the Town for the election of the first council shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses for election of first council

(6) For the purposes of *The Public Transportation and Highway Improvement Act*, the Town shall be deemed to be a township municipality. Town deemed township for purposes of R.S.O. 1970, c. 201

14.—(1) Where an established local roads area is entirely within the Town, the local roads area and board thereof are dissolved on the 1st day of December, 1979, and all the assets and liabilities of the board become on such date, assets and liabilities of the Town. Dissolution of local roads area and board

(2) All taxes and penalties assessed by a local roads board against any land in the Town which are due and unpaid on the 1st day of December, 1979, shall be deemed on that date to be taxes and penalties due and payable upon such land to the Town, and the collector of the Town shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties Unpaid taxes, collection of by Town

imposed by the Town, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Town.

Agreement
respecting
collection
of land tax
R.S.O. 1970,
c. 370

(3) The Town and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Town of arrears of land tax in respect of property within the Town.

Local roads
program
deemed
adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Town under this section, shall be deemed to be adopted by by-law of the council of the Town on the 1st day of December, 1979.

Territory
annexed to
Town ceases
to be deemed
to be district
municipality
1977, c. 109

15.—(1) The territory without municipal organization that becomes part of the Town under section 13 and that was deemed to be a district municipality or part of a district municipality in respect of The East Parry Sound Board of Education under subsection 3 of section 50 of *The Education Act, 1974*, ceases to be so deemed on the 1st day of December, 1979.

School tax
arrears
deemed assets
of Town

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the Town and that are owing and uncollected as of the 1st day of December, 1979 shall be deemed to have become assets of the Town on the 1st day of December, 1979.

Town to pay
school tax
arrears to
East Parry
Sound Board
of Education

(3) The Town shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The East Parry Sound Board of Education.

Town has
right to
collect
taxes under
R.S.O. 1970,
c. 118, Pt. III

(4) The Town has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of December, 1979, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Town on and after the 1st day of December, 1979, such procedures may be taken up and continued by the proper officers of the Town.

SECTION 15 contains provisions regarding education matters similar to those for the Township of North Georgian Bay.

PART III deals with the annexation of a portion of the Township of McDougall to the Town of Parry Sound. Section 17 permits the Minister to alleviate any hardships suffered by McDougall employees as a result of this annexation.

PART IV sets out general provisions allowing questions arising out of these municipal reorganizations to be determined by the Ontario Municipal Board, permitting the Lieutenant Governor in Council to make general remedial orders, and ensuring that the boards of education elected in 1978 in these areas are not affected by the Act.

PART III

TOWN OF PARRY SOUND

16. On the 1st day of January, 1980, the portions of the Township of McDougall described in Schedule C hereto are annexed to the Town of Parry Sound.

Part of
McDougall
Township
annexed to
Parry Sound

17. Where any employee of the Township of McDougall experiences any difficulty or hardship with regard to his employment as a result of the annexation under section 16, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Alleviation
of hardship

PART IV

GENERAL

18. The incorporation and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, made on the day the incorporation or annexations take effect under this Act, pursuant to applications made under sections 10 and 14 of *The Municipal Act*, and subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such incorporation and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Incorporation
and
annexations
deemed by
Municipal
Board orders
R.S.O. 1970,
cc. 323, 284

19. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the content and purpose of this Act.

Conditional
powers

20. Notwithstanding subsections 12, 25 and 31 of section 57 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of December, 1978 and ending on the 30th day of November, 1980, affect the representation on The West Parry Sound Board of Education or The East Parry Sound Board of Education of any municipality or territory without municipal organization as it exists on the day this Act comes into force.

Representa-
tion on
boards of
education
not affected
1974, c. 109

21. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

22. The short title of this Act is *The District of Parry Sound Local Government Act, 1978*.

SCHEDULE A

FIRSTLY, part of the geographic township of Conger, commencing at the intersection of the northerly boundary of the Township of Conger and the easterly limit of Lot 10 in Concession XII of the Township of Conger;

THENCE southerly along the easterly limit of Lot 10 in Concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger;

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in Concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE southerly along the easterly boundary of the Township of Conger to the westerly limit of the King's Highway Number 612;

THENCE southerly following the westerly limit of the said King's Highway to the southerly limit of the Township of Conger;

THENCE South $69^{\circ} 08' 20''$ West along the southerly boundary of the Township of Conger to the easterly high water mark of Twelve Mile Bay of Georgian Bay;

THENCE South $69^{\circ} 08' 20''$ West along the westerly prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970 to the middle of Twelve Mile Bay of Georgian Bay;

THENCE westerly in a straight line to a point midway between Martin Island and Passage Island;

THENCE southwesterly in a straight line 11.75 miles to a point measured South $20^{\circ} 51' 40''$ East one mile from the southerly point of Thumb Rock of the Western Islands, the said point being on the westerly prolongation of the southerly boundary of the Township of Conger;

THENCE South $69^{\circ} 08' 20''$ West along the prolongation of the said southerly boundary 11 miles to the middle of Georgian Bay;

THENCE North 36° West along the middle of Georgian Bay 5.4 miles to a point;

THENCE North $69^{\circ} 08' 20''$ East 25.2 miles to a point distant 1,500 feet measured South $69^{\circ} 08' 20''$ West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed Islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point distant 200 feet measured Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the northerly boundary of the Township of Conger;

THENCE easterly and northeasterly following the middle of the said Bay to the northerly boundary of the Township of Conger;

THENCE easterly along the northerly boundary of the Township of Conger to the point of commencement;

SECONDLY, the geographic township of Cowper, commencing at the southeasterly angle of the Township of Cowper;

THENCE northerly along the easterly boundary of the Township of Cowper to the southerly high water mark of South Channel;

THENCE northerly along the northerly prolongation in accordance with subsection 2b of section 11 of *The Territorial Division Act*, to the southerly high water mark of Isabella Island;

THENCE easterly, northerly and westerly following the high water mark of Isabella Island to the said northerly prolongation of the easterly boundary of the Township of Cowper;

THENCE northerly along the northerly prolongation of the easterly boundary of the Township of Cowper to the boundary between the geographic townships of Cowper and McDougall;

THENCE westerly along the northerly boundary of the geographic township of Cowper in accordance with the said section 11 of *The Territorial Division Act* to the easterly high water mark of Georgian Bay on the westerly shore of Parry Island;

THENCE westerly following the southerly boundaries of the Township of Carling to the southwesterly angle of the Township of Carling in the middle of Georgian Bay;

THENCE South 36° East along the middle of Georgian Bay 10.3 miles to a point;

THENCE North $69^{\circ} 08' 20''$ East 25.2 miles to a point distant 1,500 feet measured South $69^{\circ} 08' 20''$ West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point measured 200 feet Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly and northeasterly following the middle of the Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly along the southerly boundary of the Township of Cowper to the point of commencement;

THIRDLY, part of the geographic township of Harrison, commencing at the intersection of the easterly high water mark of Georgian Bay and the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to the westerly limit of the Naiscoutaing Indian Reserve Number 17A;

THENCE easterly following the southerly limits of the said Indian Reserve to the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to a point distant 8,052 feet measured North $69^{\circ} 08' 20''$ East therealong from the easterly limit of Lot 31 in Concession XIV of the Township of Harrison;

THENCE South $20^{\circ} 51' 40''$ East 13,332 feet to a point;

THENCE North $69^{\circ} 08' 20''$ East 32,000 feet to the easterly boundary of the Township of Harrison;

THENCE southerly along the easterly boundary of the Township of Harrison to its southeasterly angle;

THENCE westerly along the southerly boundary of the Township of Harrison to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE westerly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to northwesterly point of the said Island;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark of Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South $69^{\circ} 08' 20''$ West 26.5 miles to the middle of Georgian Bay;

THENCE North 36° West along the middle of Georgian Bay 5.5 miles to the easterly boundary of the Territorial District of Manitoulin in accordance with paragraph 47 of section 1 of *The Territorial Division Act*;

THENCE Due North along the said easterly boundary 3.8 miles to a point;

THENCE North $69^{\circ} 08' 20''$ East 25.5 miles to a point midway between the Brother Islands and the Sister Islands;

THENCE easterly to the northerly point of Jarrad Island;

THENCE easterly following the middle of Charles Inlet being to and along the middle of the Middle Channel of the Naiscoot River to the headwaters of the South Channel of the Naiscoot River;

THENCE southerly along the middle of the South Channel of the Naiscoot River to the westerly prolongation of the northerly boundary of the Township of Harrison;

THENCE easterly along the prolongation of the Township of Harrison to the point of commencement;

FOURTHLY, part of the geographic township of Shawanaga, commencing at the intersection of the easterly high water mark of Georgian Bay and the southerly boundary of the Township of Shawanaga;

THENCE easterly along the southerly boundary of the Township of Shawanaga to a point distant 6,666 feet measured South $69^{\circ} 08' 20''$ West therealong from the southwesterly angle of Lot 20 in Concession I in the Township of Shawanaga;

THENCE North $20^{\circ} 51' 40''$ West to the southerly limit of the Shawanaga Indian Reserve Number 17;

THENCE westerly and northerly following the westerly limits of the Indian Reserve to the northerly limit of the said Indian Reserve;

THENCE easterly following the said northerly limit to the easterly limit of the said Indian Reserve;

THENCE southerly along the easterly limit of the said Indian Reserve to the northeasterly limit of the King's Highway Number 69;

THENCE North $69^{\circ} 08' 20''$ East 3 miles to the easterly boundary of the Township of Shawanaga;

THENCE northerly along the easterly boundary of the Township of Shawanaga to its northeasterly angle;

THENCE westerly along the northerly boundary of the Township of Shawanaga to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE southwesterly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to its northwesterly point;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark to the northwesterly Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South $69^{\circ} 08' 20''$ West 26.5 miles to the middle of Georgian Bay;

THENCE South 36° East along the middle of Georgian Bay 6.8 miles to the westerly angle of the Township of Carling;

THENCE easterly along the northerly boundary of the Township of Carling to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Naiscoutaing Indian Reserve Number 17B and the Parry Island Indian Reserve Number 16.

SCHEDULE B

FIRSTLY, part of the geographic township of Butt, commencing at the southwesterly angle of the Township of Butt;

THENCE easterly along the southerly boundary of the Township of Butt to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly along the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of Butt;

THENCE westerly along the northerly boundary of the Township of Butt to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of Butt to the point of commencement;

SECONDLY, part of the geographic township of McCraney, commencing at the southwesterly angle of the Township of McCraney;

THENCE easterly along the southerly boundary of the Township of McCraney to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly following the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of McCraney;

THENCE westerly along the northerly boundary of the Township of McCraney to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of McCraney to the point of commencement.

SCHEDULE C

FIRSTLY, part of the Township of McDougall, commencing at the intersection of the northerly boundary of the Town of Parry Sound and the high water mark of the easterly shore of Parry Sound;

THENCE easterly following the boundaries between the Town of Parry Sound and the Township of McDougall to the northeasterly angle of the said Town;

THENCE southerly following along the boundaries between the Town of Parry Sound and the Township of McDougall to the southerly boundary of the said Township;

THENCE easterly along the said Township boundary to the southerly prolongation of the easterly limit of Lot 25 in Concession I of the said Township of McDougall;

THENCE northerly to and along the easterly limit of Lot 25 in concessions I and II and the northerly prolongation thereof to a parallel line distant 200 feet measured southerly at right angles from the northerly high water mark of the Seguin River;

THENCE easterly and northerly parallel with the high water mark of the Seguin River and Mill Lake to the easterly prolongation of southerly limit of Lot 24 in Concession IV of the Township of McDougall;

THENCE westerly to and along the southerly limit of lots 24 and 25 in Concession IV to the easterly limit of the road allowance between lots 25 and 26;

THENCE northerly along the said easterly limit to the northerly limit of the road allowance between concessions IV and V of the Township of McDougall;

THENCE westerly along the said northerly limit of road allowance to the easterly limit of the right-of-way of the Canadian Pacific Railways;

THENCE southerly along the easterly limit of the said right-of-way to the northerly limit of Lot 17 in Concession A of the Township of McDougall;

THENCE westerly along the northerly limit of the said Lot 17 to north-westerly angle of the said Lot;

THENCE westerly along the westerly prolongation of the northerly limit of the said Lot to a line parallel with and distant 200 feet measured westerly at right angles from the easterly high water mark of Parry Sound;

THENCE southerly along the said parallel line to intersect the westerly prolongation of the northerly limit of Lot 20 in the said Concession A;

THENCE easterly along the said westerly prolongation to the point of commencement;

SECONDLY, part of the Township of McDougall, commencing at the intersection of the easterly limit of Parry Island Indian Reserve Number 16 and the southerly high water mark of Belle Bay of Parry Sound;

THENCE easterly and southerly along the high water mark of Parry Island to the easterly point of Parry Island;

THENCE Due South 1,500 feet to the southerly boundary of the Township of McDougall;

THENCE westerly along the southerly boundary of the Township of McDougall to the easterly limit of the Parry Island Indian Reserve Number 16;

THENCE northerly along the easterly limit of the said Indian Reserve to the point of commencement.

An Act respecting
Local Government in the District of
Parry Sound

1st Reading

December 12th, 1978

2nd Reading

3rd Reading

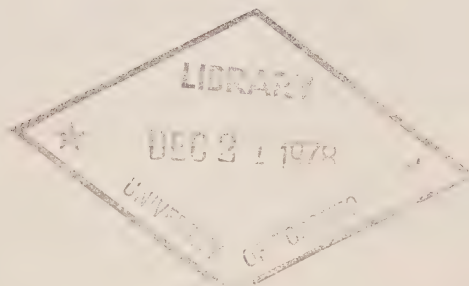
THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act respecting the
Public Accountability of Ontario Hydro**

MR. REED



EXPLANATORY NOTE

The purpose of this Bill is to provide a means of clarifying the functions and duties of Ontario Hydro related to the production, generation, transmission, distribution, supply, sale, use and development of energy resources in Ontario. The Bill requires the Minister of Energy on behalf of the Government of Ontario to issue a policy directive setting out the policy framework within which Ontario Hydro is to make operational and management decisions. *The Power Corporation Act* is amended to clarify that it is a responsibility of the Board of Ontario Hydro to ensure that the business of Ontario Hydro is conducted within the limits established by the policy directive issued by the Minister of Energy.

BILL 206

1978

An Act respecting the Public Accountability of Ontario Hydro

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

The Ministry of Energy Act, 1973

1. *The Ministry of Energy Act, 1973*, being chapter 56, is amended ^{s. 8a, enacted} by adding thereto the following section:

8a.—(1) On or before the 1st day of July, 1979, the Minister shall issue on behalf of the Government of Ontario a comprehensive policy directive in the form of a statement setting out the policy framework in respect of the production, generation, transmission, distribution, supply, sale, use and development of energy resources in Ontario within which Ontario Hydro formulates operational and management decisions, and, without limiting the generality of the foregoing, the policy directive shall contain,

- (a) a statement of the respective duties and functions of the Government of Ontario and Ontario Hydro in relation to energy matters;
- (b) a specification of the policy objectives of the Government of Ontario in relation to energy matters;
- (c) a specification of the financial objectives of Ontario Hydro;
- (d) a specification of the limitations that may be imposed upon the operations of Ontario Hydro by the Government of Ontario and the conditions under which these limitations may be imposed;

- (e) a description of the future operations to be conducted by Ontario Hydro in order to fulfil its responsibilities and assist in achieving the policy objectives established by the Government of Ontario, including an estimate of the extent to which these operations will require financial assistance from the Government of Ontario.

Amendments,
revision

(2) The policy directive shall be amended or revised from time to time to reflect any change in the policy of the Government of Ontario concerning the matters referred to in subsection 1.

Tabling of
directive in
Assembly

(3) The Minister shall lay the policy directive and every amendment or revised policy directive before the Assembly if it is in session, or, if not, at the commencement of the next ensuing session.

PART II

The Power Corporation Act

s. 4 (1),
re-enacted

2. Subsection 1 of section 4 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 57, section 4, is repealed and the following substituted therefor:

Powers of
Board

(1) The business and affairs of the Corporation are under the direction and control of the Board subject to any policy direction of the Minister of Energy issued on behalf of the Government of Ontario and the chairman shall preside at all meetings of the Board.

s. 58,
re-enacted

3. Section 58 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor:

Business of
Corporation

58. The purposes and business of the Corporation include the generation, transmission, distribution, supply, sale and use of power, and, subject to,

- (a) the provisions of policy directives of the Ministry of Energy issued on behalf of the Government of Ontario; and
- (b) the prior authority of the Lieutenant Governor in Council in the exercise of certain powers where required under this Act,

the Corporation has power and authority to do all such things as in its opinion are necessary, usual or incidental to the furtherance of such purposes and to the carrying on of its business.

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. The short title of this Act is *The Ontario Hydro Accountability Act, 1978*. Short title

An Act respecting the
Public Accountability of Ontario Hydro

1st Reading

December 12th, 1978

2nd Reading

3rd Reading

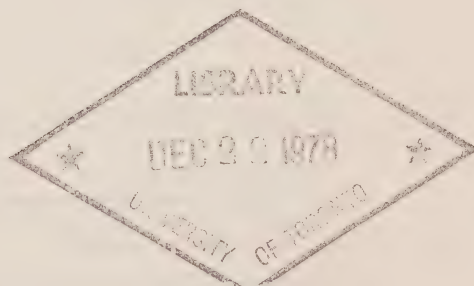
MR. REED

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ⁷ONTARIO
27 ELIZABETH II, 1978

An Act to amend The Trees Act

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 1 of the Act is an interpretation section and is amended by the addition of definitions that complement other sections of the Bill.

SECTION 2. Section 4 of the Act now reads as follows:

4. Subject to the approval of the Minister of Lands and Forests, the council of any county, or any municipality separated from the county for municipal purposes, or any municipality in a territorial district, may pass by-laws,

- (a) restricting and regulating the destruction of trees by cutting, burning or other means; and*
- (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.*

The amendment to what will now be subsection 1 of section 4 provides that the approval of the Minister to a by-law must be written. The authority of the council of a municipality in a territorial district to pass a by-law is removed.

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, being chapter 468 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the ^{s. 1, amended} following clauses:

(aa) "dbh" means the diameter of the stem of a tree measured at a point that is four and one-half feet above ground;

.

(c) "Minister" means the Minister of Natural Resources;

(d) "regulations" means the regulations made under this Act;

(e) "woodlot" means an area having not less than,

(i) 400 trees per acre of any size,

(ii) 300 trees per acre measuring more than two inches dbh,

(iii) 200 trees per acre measuring more than five inches dbh, or

(iv) 100 trees per acre measuring more than eight inches dbh.

2. Section 4 of the said Act is repealed and the following substituted therefor: ^{s. 4, re-enacted}

4.—(1) Subject to the written approval of the Minister, the council of any county or of any municipality separated from the county for municipal purposes may pass by-laws, ^{By-law restricting cutting of trees}

- (a) restricting and regulating the destruction of trees by cutting, burning or other means; and
- (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.

Entry
on land

(2) An officer appointed under a by-law passed under subsection 1, or any predecessor thereof, and any person acting under his instructions may at all reasonable times enter upon and inspect the land of any person for the purpose of enforcing the provisions of any such by-law or inspecting land where an application has been made under subsection 1 of section 7a.

Territorial
limitation
of by-law

(3) A by-law passed under subsection 1, or any predecessor thereof, may be limited territorially.

Approval
of by-law

(4) The approval referred to in subsection 1 may be given before or after the by-law is passed.

Validity
of past
approvals
of by-law

(5) Every approval heretofore given under any predecessor of subsection 1 shall be deemed to be valid whether given before or after the by-law was passed.

s. 5,
re-enacted

3. Section 5 of the said Act is repealed and the following substituted therefor:

Exceptions

5.—(1) A by-law passed under subsection 1 of section 4, or any predecessor thereof, does not,

- (a) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use;
- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*;
- (c) interfere with any rights or powers of Ontario Hydro or of any agency, board or commission that is performing its functions for or on behalf of the Crown;
- (d) apply to trees growing upon any highway or upon any opened road allowance;
- (e) apply to trees growing in a woodlot having an area not exceeding two acres;
- (f) apply to trees destroyed in order to erect any building, structure or thing in respect of which a building permit is issued;

R.S.O. 1970,
c. 284

Subsection 2 permits an officer and any person acting under his direction to enter upon any land to enforce the provisions of a by-law or to inspect land where an application has been made under subsection 1 of section 7a of the Act.

Subsection 3 permits by-laws to be limited territorially.

Subsection 4 clarifies when the Minister may approve a by-law.

Subsection 5 validates all prior approvals whether given before or after the by-law was passed.

SECTION 3. Section 5 of the Act now reads as follows:

5. *A by-law passed under section 4 does not,*

- (a) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use;*
- (b) interfere with any rights or powers conferred upon a municipality by The Municipal Act;*
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any other board or commission that is performing its functions for or on behalf of the Government of Ontario;*
- (d) apply to trees growing upon any highway or upon any opened road allowance; or*
- (e) apply to trees growing in a woodlot having an area not exceeding two acres.*

Clause *c* is updated to refer to Ontario Hydro and extended to agencies of the Crown.

Clause *f* creates an exception to a by-law in respect of trees to be destroyed in the course of construction.

Clause *g* creates an exception to a by-law in respect of Christmas trees.

Clause *h* creates an exception to a by-law in cases where an Ontario land surveyor must cut trees to perform a survey.

Clause *i* creates an exception to a by-law where trees are on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry.

Clause *j* creates an exception to a by-law where trees are removed from land in establishing or enlarging a pit or quarry on land that is not subject to *The Pits and Quarries Control Act, 1971*.

Clause *k* creates an exception to a by-law in respect of trees that are cut in accordance with good forestry practice.

Clause *l* creates an exception to a by-law in any other case provided for in the regulations.

SECTION 4. Section 6 of the Act now reads as follows:

6. Every person who contravenes the provisions of any by-law passed pursuant to section 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months.

Clause *a* of subsection 1 of the re-enacted section 6 creates an offence where a person by himself or through an intermediary contravenes a by-law.

Clause *b* of that subsection creates a new offence for obstructing an officer or any person acting on his instructions in discharging their duties.

Clause *c* of that subsection creates an offence where a person fails to obey an order to replant an area on which trees have been destroyed.

The maximum fine for an offence is increased from \$500 to \$5,000.

Subsection 2 of the re-enacted section 6 permits the trial judge to order the owner of land to replant an area on which trees have been destroyed in contravention of a by-law.

- (g) apply to trees planted for the production of Christmas trees;
- (h) apply to trees cut by an Ontario land surveyor registered under *The Surveyors Act* or any person R.S.O. 1970, c. 452 in his employ while making a survey;
- (i) apply to trees on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under *The Pits and Quarries Control Act, 1971*; 1971, c. 96
- (j) apply to trees destroyed in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under section 2 of *The Pits and Quarries Control Act, 1971*;
- (k) apply to trees that are cut in accordance with good forestry practice; or
- (l) apply in any other case provided for in the regulations.

(2) The expression "own use" in clause *a* of subsection 1 shall be deemed not to include any sale, exchange or other disposition of the trees that are cut. "own use" does not include sale, etc.

4. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6.—(1) Every person who, Offences

- (a) by himself or through any other person, contravenes any provision of a by-law passed under subsection 1 of section 4, or any predecessor thereof;
- (b) obstructs, hinders or interferes with an officer appointed under a by-law passed under subsection 1 of section 4, or any predecessor thereof, or any person acting under his instructions, in the discharge of his duties; or
- (c) fails or neglects, without just cause, to carry out an order made against him under subsection 2,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, or to both.

(2) Where a person is convicted of an offence under clause *a* of subsection 1, the judge shall consider all evidence given Replanting

in respect of the necessity of replanting the area on which trees have been destroyed and may order the owner of the said area to replant or have replanted thereon such trees in such manner and within such period of time as the judge considers just.

ss. 7a, 7b,
enacted

5. The said Act is amended by adding thereto the following sections:

Evidence in
prosecutions

7a. In any prosecution under this Act,

R.S.O. 1970,
cc. 409, 234

- (a) a copy of an instrument certified under section 17 of *The Registry Act* or a certificate of search issued under section 127 of *The Land Titles Act* is admissible in evidence as *prima facie* proof of the matters therein contained; and
- (b) a certificate of the Minister or Deputy Minister of Natural Resources in respect of the right, title and interest of the Crown in any trees on any land is admissible in evidence as *prima facie* proof of the matters therein contained.

Application
for minor
exception

7b.—(1) Upon the application of the owner of any trees affected by a by-law passed under subsection 1 of section 4, or any predecessor thereof, or any person authorized in writing by the owner, the council of the municipality that passed the by-law may, by by-law or resolution, authorize such minor exception from the by-law in respect of such trees as in its opinion is desirable for the appropriate development or use of the land on which such trees are situate, if in its opinion the general intent and purpose of the by-law is maintained.

Notice of
application

(2) Where the council of a municipality receives an application under subsection 1, the clerk of the municipality shall give notice of the application to the owners of each parcel of land that abuts the land of the owner of the trees in respect of which the application is made and to such other owners as the council considers proper.

Service of
notice

(3) A notice under subsection 2 shall be deemed to be sufficiently given if served upon an owner,

- (a) personally;
- (b) by leaving it at his or her place of business or residence;
- (c) by registered mail addressed to his or her place of business or residence, if known, or to his or her

SECTION 5. Clause *a* of the new section 7*a* provides that in any prosecution a copy of an instrument certified under *The Registry Act* or a certificate of search under *The Land Titles Act* is admissible in evidence as *prima facie* proof of its content.

Clause *b* of that section provides that the production of a certificate of the Minister of Natural Resources or his Deputy Minister in respect of the right, title and interest of the Crown in any trees is admissible in evidence as *prima facie* proof of its content.

Section 7*b* empowers the council of a municipality to authorize, by by-law or resolution, a minor exception to a by-law passed under subsection 1 of section 4 of the Act and sets out the procedures to be followed when the council receives an application for a minor exception to the by-law.

place of business or residence as set forth in the last revised assessment roll of the municipality in which the land is situate; or

- (d) if the place of business and residence of the owner are not known, by leaving it with any person being at least sixteen years of age on the land of the owner or by posting it in two conspicuous places on such land.

(4) A notice under subsection 2 shall contain,

Content of
notice

- (a) the name and address of the owner who has made the application or on whose behalf the application for a minor exception has been made;
- (b) a description of the land of the owner in respect of which the application has been made;
- (c) a description of the nature and extent of the trees on such land;
- (d) a description of the purpose, nature and extent of the minor exception for which application has been made; and
- (e) the hour, day and place of the meeting at which the council will consider passing a by-law or resolution under subsection 1.

(5) The clerk of the municipality shall give notice in such manner as he considers proper to the owner who has made the application or on whose behalf the application has been made of the hour, day and place of the meeting at which the council will consider passing a by-law or resolution under subsection 1.

Notice to
applicant

(6) No meeting of the council shall be held to consider passing a by-law or resolution under subsection 1 unless,

Conditions
precedent

- (a) twenty-one days have elapsed after required notices have been given in accordance with this section; and
- (b) the giving of such notices is proved by affidavit or declaration.

(7) The council shall hear in person, or by his counsel or agent, the applicant and any person who claims that his land will be prejudicially affected by the by-law or resolution.

Entitlement
to be
heard

Approval of
Minister
not required

(8) No by-law or resolution passed under subsection 1 requires the approval of the Minister.

s. 11 (3),
re-enacted

- 6.** Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor:

Cutting

(3) Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions are subject to the approval of the Minister.

s. 12,
re-enacted

- 7.** Section 12 of the said Act is repealed and the following substituted therefor:

Approval of
by-law by
Minister

12. No by-law shall be finally passed under section 7, 8, 9, 10 or 11 until approved in writing by the Minister.

s. 13,
enacted

- 8.** The said Act is further amended by adding thereto the following section:

Regulations

13. The Lieutenant Governor in Council may make regulations providing for exceptions, in addition to those specified in subsection 1 of section 5, from a by-law passed under subsection 1 of section 4, or any predecessor thereof.

Commence-
ment

- 9.** This Act comes into force on the day it receives Royal Assent.

Short title

- 10.** The short title of this Act is *The Trees Amendment Act, 1978*.

SECTION 6. Subsection 3 of section 11 of the Act now reads as follows:

- (3) *Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions are subject to the approval of the Minister of Lands and Forests.*

Subsection 3 is re-enacted to change an internal reference to the Minister of Lands and Forests to a reference to the Minister. "Minister" is defined in section 1 of the Act, as amended by section 1 of the Bill, as meaning the Minister of Natural Resources.

SECTION 7. Section 12 of the Act now reads as follows:

12. *No by-law shall be finally passed under section 7, 8, 9, 10 or 11 until approved in writing by the Minister of Lands and Forests.*

Section 12 is re-enacted to change an internal reference to the Minister of Lands and Forests to a reference to the Minister.

SECTION 8. The new section 13 authorizes the Lieutenant Governor in Council to make regulations creating additional exceptions to a by-law.

An Act to amend The Trees Act

1st Reading

December 13th, 1978

2nd Reading

3rd Reading

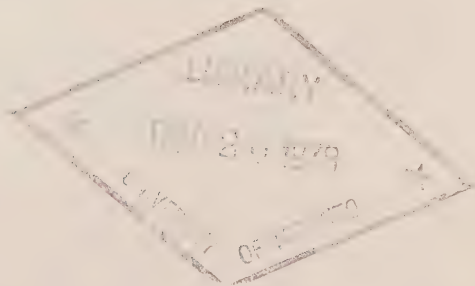
THE HON. J. A. C. AULD
Minister of Natural Resources and
Minister of Energy

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ¹ONTARIO
27 ELIZABETH II, 1978

**An Act to repeal
The Pyramidic Sales Act, 1972**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



EXPLANATORY NOTE

The purpose of the Bill is to repeal *The Pyramidic Sales Act, 1972* and to ensure that trust funds established under the repealed Act are kept available for the purpose for which they were established, which is to satisfy investors' claims for repayment.

The effect of the repeal is to make pyramid sales schemes illegal. Certain sections of the repealed Act are kept in force for the purposes of winding up existing trust funds and settling claims by investors.

The Act being repealed gives investors the right to rescind an agreement within six months after entering into the agreement. The Act also provides that where the investor rescinds the agreement and returns the commodity in a merchantable condition, the investor is entitled to a refund of 75 per cent of his investment. A trust fund may be established to ensure this refund.

The Bill provides that where an investor has the right to rescind, this right is extended for a further six months. The Bill also provides for the appointment of an Administrator whose function it will be to assist investors in ascertaining their rights under the Bill and to facilitate repayment to an investor out of the fund where the investor is entitled to repayment and does not obtain repayment from the promoter.

BILL 208

1978

An Act to repeal The Pyramidic Sales Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Pyramidic Sales Act, 1972*, being chapter 57, ^{1972, c. 57, repealed} is repealed but, for the purpose of winding up funds established under that Act and paying claims of investors, sections 1, 2, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 shall continue to apply in respect of a promoter who held a certificate of acceptance the day before this Act comes into force.

(2) Expressions used in this Act have the same meaning as in *The Pyramidic Sales Act, 1972*. <sup>Interpre-
tation</sup>

(3) In this Act, “fund” means a fund established as a ^{Idem} trust fund under an escrow agreement referred to in subsection 4 of section 12 of *The Pyramidic Sales Act, 1972*.

2. Every fund shall continue to be held in accordance with the escrow agreement under which it was established and, notwithstanding anything to the contrary in any such escrow agreement, no money shall be released from the fund except by the direction of the Registrar or as provided in section 4. <sup>Trust
funds</sup>

3. Every person who is entitled to rescind an agreement under subsection 1 of section 12 of *The Pyramidic Sales Act, 1972* on the day before this Act comes into force may rescind the agreement at any time before the 1st day of June, 1979. <sup>Rescission
1972, c. 57</sup>

4.—(1) Except for money released therefrom pursuant to a direction of the Registrar, every fund shall be held until the 1st day of January, 1980 after which date the holder of the fund shall apply to a judge of the Supreme Court for direction on the disposition of the fund. <sup>Disposition
of trust
funds</sup>

Idem (2) In making an order under subsection 1, the judge shall consider legal proceedings instituted against the promoter and shall make such provision as he considers necessary to ensure that a sufficient amount of the fund shall be available to satisfy existing or potential judgments against the promoter.

Where escrow agreement terminated (3) Where a holder of a fund intends to terminate the escrow agreement, the holder shall give notice to the Registrar of the intention and upon the Registrar appointing another person to hold the fund, the holder shall turn the fund over to the person so appointed.

Idem (4) A person appointed under subsection 3 shall hold the fund upon the same terms as the original holder and this Act shall apply to that person as if he were the original holder.

Administrator **5.—**(1) There shall be an Administrator who shall be appointed by the Registrar.

Duties of Administrator (2) The Administrator may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Registrar.

Idem (3) The Administrator shall,

- (a) make reasonable efforts to give notice to investors of their entitlement under section 3;
- (b) advise investors as to the manner in which claims for repayment under subsection 3 of section 12 of *The Pyramidic Sales Act, 1972*, may be made against a fund;
- (c) establish procedures for resolution of disputes between a promoter and an investor;
- (d) advise holders of funds of any claims or legal proceedings of which he has knowledge instituted by investors against a promoter;
- (e) retain such staff and obtain such assistance and advice as he considers necessary to carry out his duties; and
- (f) fulfil such other functions as the Registrar considers necessary to ensure the proper disposition of funds.

Expenses paid out of interest **6.** The Registrar may direct the holder of a fund to pay, out of interest earned on the fund, the reasonable fees and expenses of,

- (a) the holder of a fund where the fees and expenses are incurred as a result of this Act and not otherwise provided for in the escrow agreement establishing the fund; and
- (b) the Administrator incurred in the performance of his duties.

7.—(1) For the purposes of subsection 3 of section 12 of *The Pyramidical Sales Act, 1972*, a commodity is deemed to have been returned on the thirtieth day after the day on which the investor serves notice of rescission on the promoter as provided in subsection 2 of section 12 of *The Pyramidical Sales Act, 1972*. Return of commodity 1972, c. 57

(2) The notice referred to in subsection 1 shall specify the location at which the commodity is located and when it may be picked up by the promoter. Information contained in notice

(3) Notwithstanding subsection 1 of section 12 of *The Pyramidical Sales Act, 1972*, notice of rescission is not required to be given to any person other than the promoter. Where notice not required

8.—(1) Where there has been rescission of an agreement and return of the commodity and the promoter has not paid to the investor the amount that the investor is entitled to receive under subsection 3 of section 12 of *The Pyramidical Sales Act, 1972* within sixty days after notice of rescission has been served, by personal delivery or by registered mail, the investor may apply to the Administrator for repayment out of the appropriate fund, and where the Administrator is satisfied that the commodity has been returned in merchantable condition and that the promoter has not paid to the investor the amount that the investor is entitled to receive under subsection 3 of section 12 of *The Pyramidical Sales Act, 1972*, the Administrator shall recommend to the Registrar that payment be made to the investor out of the fund and the Registrar may direct such payment Payment out of fund

(2) Notwithstanding any agreement to the contrary, a commodity shall not be deemed not to be in merchantable condition only by reason that cases have been opened, are less than full or are not in the original sealed condition in which they left the promoter's warehouse. Merchantable condition

9.—(1) All certificates of acceptance issued under *The Pyramidical Sales Act, 1972* are withdrawn and nothing in this Act shall be construed as licensing or otherwise permitting a scheme of pyramid selling. Certificates withdrawn

Legal
proceedings
may continue

(2) Notwithstanding subsection 1, any legal proceeding instituted in respect of a certificate of acceptance may be continued.

Exception
to 1972,
c. 57, s. 19

10. Section 19 of *The Pyramidic Sales Act, 1972* does not apply to any person employed in the administration of that Act or in the administration of this Act to prohibit communication of information where the communication is made to an investor for the purpose of assisting the investor in ascertaining or exercising his rights under this Act.

Commence-
ment and
expiry

11. This Act comes into force on the day it receives Royal Assent and is repealed on the 1st day of January, 1981.

Short title

12. The short title of this Act is *The Pyramidic Sales Repeal Act, 1978*.

An Act to repeal
The Pyramidic Sales Act, 1972

1st Reading

December 13th, 1978

2nd Reading

3rd Reading

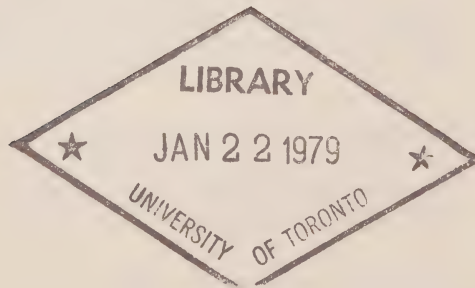
THE HON. FRANK DREA
Minister of Consumer
and Commercial Relations

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ⁷ONTARIO
27 ELIZABETH II, 1978
Pyramidal Society

**An Act to repeal
The Pyramidic Sales Act, 1972**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations





BILL 208

1978

An Act to repeal The Pyramidic Sales Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Pyramidic Sales Act, 1972*, being chapter 57, <sup>1972, c. 57,
repealed</sup> is repealed but, for the purpose of winding up funds established under that Act and paying claims of investors, sections 1, 2, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 shall continue to apply in respect of a promoter who held a certificate of acceptance the day before this Act comes into force.

(2) Expressions used in this Act have the same meaning <sup>Interpre-
tation</sup> as in *The Pyramidic Sales Act, 1972*.

(3) In this Act, “fund” means a fund established as a ^{Idem} trust fund under an escrow agreement referred to in subsection 4 of section 12 of *The Pyramidic Sales Act, 1972*.

2. Every fund shall continue to be held in accordance <sup>Trust
funds</sup> with the escrow agreement under which it was established and, notwithstanding anything to the contrary in any such escrow agreement, no money shall be released from the fund except by the direction of the Registrar or as provided in section 4.

3. Every person who is entitled to rescind an agreement <sup>Rescission
1972, c. 57</sup> under subsection 1 of section 12 of *The Pyramidic Sales Act, 1972* on the day before this Act comes into force may rescind the agreement at any time before the 1st day of June, 1979.

4.—(1) Except for money released therefrom pursuant <sup>Disposition
of trust
funds</sup> to a direction of the Registrar, every fund shall be held until the 1st day of January, 1980 after which date the holder of the fund shall apply to a judge of the Supreme Court for direction on the disposition of the fund.

Idem

(2) In making an order under subsection 1, the judge shall consider legal proceedings instituted against the promoter and shall make such provision as he considers necessary to ensure that a sufficient amount of the fund shall be available to satisfy existing or potential judgments against the promoter.

Where escrow
agreement
terminated

(3) Where a holder of a fund intends to terminate the escrow agreement, the holder shall give notice to the Registrar of the intention and upon the Registrar appointing another person to hold the fund, the holder shall turn the fund over to the person so appointed.

Idem

(4) A person appointed under subsection 3 shall hold the fund upon the same terms as the original holder and this Act shall apply to that person as if he were the original holder.

Administrator

5.—(1) There shall be an Administrator who shall be appointed by the Registrar.

Duties of
Administrator

(2) The Administrator may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Registrar.

Idem

(3) The Administrator shall,

- (a) make reasonable efforts to give notice to investors of their entitlement under section 3;
- (b) advise investors as to the manner in which claims for repayment under subsection 3 of section 12 of *The Pyramidical Sales Act, 1972*, may be made against a fund;
- (c) establish procedures for resolution of disputes between a promoter and an investor;
- (d) advise holders of funds of any claims or legal proceedings of which he has knowledge instituted by investors against a promoter;
- (e) retain such staff and obtain such assistance and advice as he considers necessary to carry out his duties; and
- (f) fulfil such other functions as the Registrar considers necessary to ensure the proper disposition of funds.

Expenses
paid out of
interest

6. The Registrar may direct the holder of a fund to pay, out of interest earned on the fund, the reasonable fees and expenses of,

- (a) the holder of a fund where the fees and expenses are incurred as a result of this Act and not otherwise provided for in the escrow agreement establishing the fund; and
- (b) the Administrator incurred in the performance of his duties.

7.—(1) For the purposes of subsection 3 of section 12 of *The Pyramidic Sales Act, 1972*, a commodity is deemed to have been returned on the thirtieth day after the day on which the investor serves notice of rescission on the promoter as provided in subsection 2 of section 12 of *The Pyramidic Sales Act, 1972*. Return of commodity
1972, c. 57

(2) The notice referred to in subsection 1 shall specify the location at which the commodity is located and when it may be picked up by the promoter. Information
contained
in notice

(3) Notwithstanding subsection 1 of section 12 of *The Pyramidic Sales Act, 1972*, notice of rescission is not required to be given to any person other than the promoter. Where
notice not
required

8.—(1) Where there has been rescission of an agreement and return of the commodity and the promoter has not paid to the investor the amount that the investor is entitled to receive under subsection 3 of section 12 of *The Pyramidic Sales Act, 1972* within sixty days after notice of rescission has been served, by personal delivery or by registered mail, the investor may apply to the Administrator for repayment out of the appropriate fund, and where the Administrator is satisfied that the commodity has been returned in merchantable condition and that the promoter has not paid to the investor the amount that the investor is entitled to receive under subsection 3 of section 12 of *The Pyramidic Sales Act, 1972*, the Administrator shall recommend to the Registrar that payment be made to the investor out of the fund and the Registrar may direct such payment Payment
out of
fund

(2) Notwithstanding any agreement to the contrary, a commodity shall not be deemed not to be in merchantable condition only by reason that cases have been opened, are less than full or are not in the original sealed condition in which they left the promoter's warehouse. Merchantable
condition

9.—(1) All certificates of acceptance issued under *The Pyramidic Sales Act, 1972* are withdrawn and nothing in this Act shall be construed as licensing or otherwise permitting a scheme of pyramid selling. Certificates
withdrawn

Legal
proceedings
may continue

(2) Notwithstanding subsection 1, any legal proceeding instituted in respect of a certificate of acceptance may be continued.

Exception
to 1972,
c. 57, s. 19

10. Section 19 of *The Pyramidical Sales Act, 1972* does not apply to any person employed in the administration of that Act or in the administration of this Act to prohibit communication of information where the communication is made to an investor for the purpose of assisting the investor in ascertaining or exercising his rights under this Act.

Commence-
ment and
expiry

11. This Act comes into force on the day it receives Royal Assent and is repealed on the 1st day of January, 1981.

Short title

12. The short title of this Act is *The Pyramidical Sales Repeal Act, 1978*.

An Act to repeal
The Pyramidical Sales Act, 1972

1st Reading

December 13th, 1978

2nd Reading

December 14th, 1978

3rd Reading

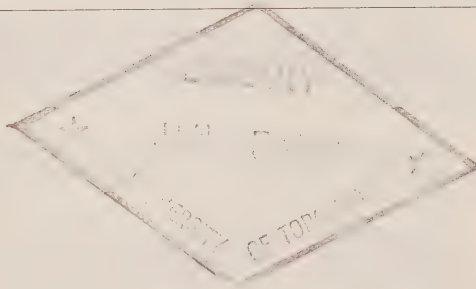
December 14th, 1978

THE HON. FRANK DREA
Minister of Consumer
and Commercial Relations

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to amend
The Environmental Protection Act, 1971**

THE HON. H. C. PARROTT
Minister of the Environment



EXPLANATORY NOTES

SECTION 1. Section 15 of the Act requires notification of an unusual discharge of a contaminant. The repeal of the section is related to the enactment of Part VIII-A of the Act by this Bill.

SECTION 2. New Part VIII-A of the Act deals with a spill, that is with the discharge of a pollutant into the natural environment out of the normal course of events and with remedial action, that is prevention, cleanup and restoration of the natural environment. The Part also deals with liability for loss or damage arising out of a spill and with liability for the costs and expenses of remedial action.

Section 68*b* requires the person who has control of the pollutant and the person who causes the spill to notify the Ministry, the municipality in which the spill occurred and the owner of the pollutant.

Section 68*c* imposes a duty on the responsible persons, that is, the owner of the pollutant and the person in control of the pollutant, to take all remedial action that is physically and technically able to be done in the event of a spill.

Section 68*d* authorizes the Minister, without a hearing, to direct his servants and agents to take such steps as he considers necessary to take remedial action.

Section 68*e* authorizes entry and work on any property for the purposes of remedial action. The section also authorizes obtaining an order of a judge of the Supreme Court without notice for such entry and work.

Section 68*f* provides for control of the disposal or use of anything affected by the spill.

Section 68*g* authorizes the Minister to issue orders requiring the taking of remedial action.

Section 68*h* protects a person against conviction for carrying out remedial action under the Part.

Section 68*i* imposes liability on the responsible persons for the loss or damage that results from a spill and for all reasonable costs and expenses of carrying out remedial action under the Part in accordance with an order or direction of the Minister.

BILL 209

1978

An Act to amend The Environmental Protection Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Environmental Protection Act, 1971*, being 1971, c. 86, chapter 86, as amended by the Statutes of Ontario, 1972, ^{s. 15,} repealed chapter 106, section 4, is repealed.
2. The said Act is amended by adding thereto the following Part: Part VIII-A,
(ss. 68*a*-68*j*),
enacted

PART VIII-A

SPILLS

68*a*. In this Part,

Interpre-
tation

- (*a*) "adverse effects" means the effects, or any of the effects, mentioned in clauses *a* to *h* of subsection 1 of section 68*b*;
- (*b*) "discharge" includes deposit, addition or emission;
- (*c*) "owner of the pollutant" means the owner of the pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality uncommon at the location where the discharge occurs, and "owner of a pollutant" has a corresponding meaning;
- (*d*) "person having control of a pollutant" means the person and his agent, if any, having the charge, management or control of a pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality uncommon at the location where

the discharge occurs, and "person having control of the pollutant" has a corresponding meaning;

- (e) "pollutant" means a contaminant other than any odour, heat, sound, vibration or radiation, and includes any substance from which a pollutant is derived;
- (f) "remedial action" means the doing of everything that is physically and technically able to be done, and "take remedial action" means do everything that is physically and technically able to be done;
- (g) "spill", when used with reference to a pollutant, means discharge into the natural environment in a quantity or with a quality uncommon at the location where the discharge occurs;
- (h) "substance" means any solid, liquid or gas, or any combination of any of them.

Notice to
Ministry
and others

68b.—(1) Every person having control of a pollutant that is spilled and every person who spills or causes or permits a spill of a pollutant that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render any property or plant or animal life unfit for use by man;
- (g) causes or is likely to cause loss of enjoyment of normal use of property; or
- (h) interferes or is likely to interfere with the normal conduct of business,

shall forthwith notify,

- (i) the Ministry;
- (j) the municipality in which the spill occurred;
- (k) where the person is not the owner of the pollutant and knows or is able to ascertain readily the identity of the owner of the pollutant, the owner of the pollutant; and
- (l) where the person does not have control of the pollutant and knows or is able to ascertain readily the identity of the person having control of the pollutant, the person having control of the pollutant,

of the spill, of the circumstances thereof, and of the action that the person has taken or intends to take with respect thereto.

(2) The person required by subsection 1 to give notice shall give to the Director such additional information in respect of the pollutant, the source of the pollutant and the spill of the pollutant as may be required by the Director.

Additional
information
to Director

(3) A member of a police force or an employee of a municipality or other public authority who is informed of or who investigates the spill of a pollutant shall forthwith notify the Ministry of the spill of the pollutant unless he has reasonable grounds for believing that such notice has been given to the Ministry by another person.

Notice to
Ministry
by person
investigating

68c.—(1) The owner of a pollutant, and the person having control of a pollutant, that is spilled and that causes or is likely to cause adverse effects shall forthwith take remedial action to prevent, eliminate and ameliorate the adverse effects.

Duty
to act

(2) The purpose of the duty imposed by subsection 1 is the restoration, as nearly as is practicable, of all forms of life, physical conditions, the natural environment and things existing immediately before the spill of the pollutant that are affected or that may reasonably be expected to be affected by the pollutant.

Purpose

68d.—(1) Where a pollutant is spilled and the Minister is of the opinion that adverse effects will occur or are likely to occur as a result of the spill, the Minister, in the circumstances specified in subsection 2, may give directions to the employees and agents of the Ministry in respect of the spill.

Directions by
Minister

Where
Minister
may give
directions

(2) The Minister may give directions under subsection 1 where the Minister is of the opinion that it is in the best interest of the public to do so and,

- (a) the Minister is of the opinion that neither the person having control of the pollutant nor the owner of the pollutant will carry out the duty imposed by section 68c;
- (b) the Minister is of the opinion that the person having control of the pollutant or the owner of the pollutant cannot be identified or located and that as a result the duty imposed by section 68c will not be carried out; or
- (c) the person having control of the pollutant or the owner of the pollutant requests the assistance of the Minister in order to carry out the duty imposed by section 68c.

Further
directions

(3) The Minister may give directions amending or revoking directions given under subsection 1.

Content of
directions

(4) Under this section, the Minister may direct remedial action or the taking of such action as is specified in the directions to prevent, eliminate and ameliorate adverse effects referred to in subsection 1.

Employees
and agents

(5) Upon the giving of directions under this section, the employees and agents of the Ministry may act in accordance with the directions notwithstanding any Act, regulation, by-law, order, permit, approval or licence.

Hearing

(6) The Minister need not hold or afford to any person an opportunity for a hearing before giving directions under this section.

Entry and
removal

68e.—(1) For the purpose of carrying out any duty imposed or order or direction made or given under this Part, any person subject to the duty or to whom the order or direction is made or given, any employee or agent of a ministry of the Government of Ontario to which the order or direction is made or given and the employees and agents of the Ministry may enter and have access through or over any building, structure, vehicle, land, water or air and may construct structures and use machinery, structures, materials, and equipment therein or thereon and may remove therefrom the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant.

(2) Where a judge of the Supreme Court is satisfied, upon application without notice by a person, employee or agent referred to in subsection 1, that there is reasonable ground for believing that it is necessary, Order
authorizing

- (a) to enter and have access through or over any building, structure, vehicle, land, water or air;
- (b) to construct structures or use machinery, structures, materials or equipment therein or thereon; or
- (c) to remove the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant,

for the purpose of carrying out any duty imposed or order or direction made or given under this Part, the judge may issue an order authorizing the person, his employees and agents and the employees and agents of the Ministry and of the ministry of the Government of Ontario to which the order or direction is made or given or any one or more of them, to act as mentioned in clauses *a*, *b* and *c*, or any of them, but every such action shall be taken between sunrise and sunset unless the judge authorizes them or any of them to act at another time.

68f.—(1) No person, employee or agent carrying out any duty imposed or order or direction made or given under this Part shall dispose of or use any pollutant, or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant except, Disposal of
pollutant,
etc.

- (a) in accordance with an order of or direction by the Minister under this or any other Act;
- (b) in accordance with a direction by or the approval of the Director;
- (c) in accordance with an approval, order, requirement or direction by the Director under any other Part of this Act or by a Director under any other Act administered by the Minister; or
- (d) by disposal in a waste disposal site for which a certificate of approval has been issued and in accordance with any conditions set out in the certificate.

Direction or
approval by
Director

(2) The Director may give, amend or revoke a direction or approval mentioned in clause *b* of subsection 1 to any person, any ministry of the Government of Ontario and any employee or agent of them.

Conditions

(3) The Director may attach such conditions as he considers necessary to an approval mentioned in clause *b* of subsection 1.

Hearing

(4) The Director need not hold or afford to any person an opportunity for a hearing before giving, amending or revoking a direction or approval mentioned in clause *b* of subsection 1.

Orders by
Minister

68g.—(1) Where a pollutant is spilled and the Minister is of the opinion that adverse effects will occur or are likely to occur and that it is in the best interest of the public to make an order under this section, the Minister may make an order directed to one or more of the following:

1. The owner of the pollutant.
2. The person having control of the pollutant.
3. The owner or the person having the charge, management or control of any real property or personal property that is affected or that may reasonably be expected to be affected by the pollutant.
4. The municipality in which the spill occurs.
5. Any municipality contiguous to the municipality in which the spill occurs.
6. Any municipality that is affected or that may reasonably be expected to be affected by the pollutant.
7. Any public authority.
8. Any ministry of the Government of Ontario other than the Ministry;
9. The owner or the person that is responsible for the operation of a waste management system or waste disposal site.
10. Any person not described in paragraphs 1 to 9 who is or may be adversely affected by the pollutant or whose assistance is necessary, in the opinion of

the Minister, to prevent and to eliminate and ameliorate adverse effects.

(2) In an order mentioned in paragraphs 1 to 8 or in paragraph 10 of subsection 1, the Minister may require remedial action or the taking of such action as is specified in the order, to prevent, eliminate and ameliorate adverse effects referred to in subsection 1 within such period or periods of time as may be specified in the order. Content of orders

(3) In an order mentioned in paragraph 9 of subsection 1, the Minister may require remedial action or the taking of such action as is specified in the order, to use or dispose of, Idem

(a) the pollutant; or

(b) any matter, thing, plant or animal or any part of the natural environment affected or that may reasonably be expected to be affected by the pollutant,

within such period or periods of time as may be specified in the order.

(4) The Minister by an order may amend or revoke an order made under subsection 1. Amendment or revocation of order

(5) The Minister may make an order under subsection 1 or 4 notwithstanding any Act, regulation, by-law, order, permit, approval or licence. Effect of any Act, regulation, etc.

(6) The Minister need not hold or afford to any person an opportunity for a hearing before making an order under subsection 1 or 4. Hearing

(7) The Minister may direct, orally or in writing, a representative of the Ministry to give a written notice setting out an order of the Minister made orally or in writing under subsection 1 or 4. Notice of order

(8) An order of the Minister set out in a notice mentioned in subsection 7 is for all purposes an order of the Minister made under subsection 1 or 4 and, where the notice is given to an employee or agent of an employer or principal named in the order, the order shall be deemed to be given to the employer or principal. Idem

68h. A person that, in good faith and in a reasonable manner and in the execution or the intended execution of a duty imposed by this Part, or in good faith and in compliance with an order of or direction by the Minister or a direction Effect of compliance with order

or approval by the Director under this Part, takes or refrains from taking any action shall not be convicted of an offence in respect of such taking or refraining from taking of action.

Interpre-
tation

68*i*.—(1) In this section, “person” includes one or more persons entitled by law to sue and be sued in other than their personal capacities.

Right to
compensation

(2) Her Majesty in right of Ontario or in right of Canada or any other person has the right to compensation,

(a) for loss or damage incurred as a result of,

(i) the spill of a pollutant that causes or is likely to cause adverse effects,

(ii) the execution or intended execution of a duty imposed or an order or direction made under this Part, or

(iii) neglect or default in the execution of a duty imposed or an order or direction made under this Part;

(b) for all reasonable costs and expenses incurred in respect of the execution or intended execution of an order or direction under this Part,

from the owner of the pollutant and the person having control of the pollutant and the successors and assignees of either of them.

Enforcement
of right

(3) The right to compensation mentioned in subsection 2 may be enforced by action in a court of competent jurisdiction.

Strict
liability

(4) Liability pursuant to subsection 2 does not depend upon fault or negligence.

Contribution

(5) In an action under this section,

(a) where the plaintiff is an owner of the pollutant or a person having control of the pollutant, or a successor or assignee of either of them, the court shall determine the degree, if any, by which the plaintiff would be liable to make contribution or indemnification under subsection 6 if the plaintiff were a defendant; and

(b) where the plaintiff is not an owner or a person having control referred to in clause *a*, or a successor

Subsection 4 of the section provides that this liability does not depend on fault or negligence.

Subsection 5 of the section reduces compensation where there is contributory negligence or where the person claiming compensation is one of the responsible persons.

Subsections 6 to 10 of the section provide for contribution between persons liable to pay compensation by rules similar to the rules in *The Negligence Act*.

or assignee of either of them, the court shall determine the degree, if any, in which the plaintiff caused or contributed to the loss, damage, costs or expenses by fault or negligence,

and the court shall reduce the compensation in proportion to the degree, if any, so determined.

(6) Where two or more persons are liable to pay compensation under this section, they are jointly and severally liable to the person suffering the loss, damage, costs or expenses but as between themselves, in the absence of an express or implied contract, each is liable to make contribution to and indemnify each other in accordance with the following principles: ^{Extent of liability}

1. Where two or more persons are liable to pay compensation under this section and one or more of them caused or contributed to the loss, damage, costs or expenses by fault or negligence, such one or more of them shall make contribution to and indemnify,
 - i. where one person is found at fault or negligent, any other person liable to pay compensation under this section, and
 - ii. where two or more persons are found at fault or negligent, each other and any other person liable to pay compensation under this section in the degree in which each of such two or more persons caused or contributed to the loss, damage, costs or expenses by fault or negligence.
2. For the purpose of subparagraph ii of paragraph 1, if it is not practicable to determine the respective degrees in which the fault or negligence of two or more persons liable to pay compensation under this section caused or contributed to the loss, damage, costs or expenses, such two or more persons shall be deemed to be equally at fault or negligent.
3. Where no person liable to pay compensation under this section caused or contributed to the loss, damage, costs or expenses by fault or negligence, each of the persons liable to pay compensation is liable to make contribution to and indemnify each other in such proportions as are determined to be just and equitable in the circumstances.

(7) The right to contribution or indemnification under subsection 6 may be enforced by action in a court of competent jurisdiction. ^{Enforcement of contribution}

Adding
parties

(8) Wherever it appears that a person not already a party to an action under this section may be liable in respect of the loss, damage, costs or expenses for which compensation is claimed, the person may be added as a party defendant to the action upon such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties.

Recovery
between
persons
liable

(9) A person liable to pay compensation under this section may recover contribution or indemnity from any other person liable to pay compensation under this section in respect of the loss, damage, costs or expenses for which the compensation is claimed by settling with the person suffering the loss, damage, costs or expenses and continuing the action or commencing an action against such other person.

Amount of
settlement

(10) A person who has settled a claim and continued or commenced an action as mentioned in subsection 9 must satisfy the court that the amount of the settlement was reasonable, and, if the court finds the amount was excessive, the court may fix the amount at which the claim should have been settled.

Limitation for
actions for
compensation

(11) No person is liable to an action for compensation under this section unless the action is commenced within six years from,

- (a) where the person commencing the action incurred loss or damage as a result of the spill of a pollutant, the date when the person knew or ought to have known of the loss or damage;
- (b) where the person commencing the action incurred loss or damage as a result of the execution or intended execution or neglect or default in the execution of a duty imposed or an order or direction made under this Part, the date when the person knew or ought to have known of the loss or damage; or
- (c) where the person commencing the action incurred costs and expenses in respect of the execution or intended execution of an order or direction made under this Part, the date when the person incurred the costs and expenses.

Limitations
for actions for
contribution
or indemnity

(12) Where, within the period of time prescribed by subsection 11, an action for compensation is commenced against a person liable to pay compensation under this section or a person liable to pay compensation under this section settles a claim for compensation with a person who has suffered loss,

Subsection 11 of the section provides a time limit of six years from starting dates set out in the section for lawsuits for compensation.

Subsection 12 of the section provides for a time limit of one year in the circumstances set out in the section for lawsuits for contribution or indemnity under the section.

Section 68*j* states that, 'except as expressly provided in the Part, the Part does not affect any person's legal rights against any other person.

SECTION 3. The amendment provides for exemptions by regulation from the new Part VIII-A.

SECTION 4. Subsection 3 of section 32 of *The Ontario Water Resources Act* requires that notice be given to the Minister of any spill into or that may pollute water or a watercourse. Subsection 4 provides a penalty for failure to give the notice.

The repeal of the subsection is related to the enactment of Part VIII-A of *The Environmental Protection Act, 1971* by this Bill.

damage, costs or expenses, no proceedings for contribution or indemnity against another person liable to pay compensation under this section are defeated by the operation of any Act limiting the time for the commencement of action against such other person if,

- (a) the proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and
- (b) there has been compliance with any Act requiring notice of claim against such other person.

68j. Except as expressly provided in this Part, nothing in this Part limits or restricts any right or remedy that any person may have against another person. Right of recourse

3. Section 94 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, 1973, chapter 94, section 11 and 1976, chapter 49, section 1, is further amended by adding thereto the following subsection: s. 94, amended

(6a) The Lieutenant Governor in Council may make regulations relating to Part VIII-A, classifying spills of pollutants and exempting any spill of a pollutant or any class of spill of a pollutant from any provision of Part VIII-A and attaching conditions to any such exemption. Regulations relating to Part VIII-A

4. Subsections 3 and 4 of section 32 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed. R.S.O. 1970, c. 332, s. 32 (3, 4), repealed

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

6. The short title of this Act is *The Environmental Protection Amendment Act, 1978*. Short title

An Act to amend
The Environmental Protection
Act, 1971

1st Reading

December 14th, 1978

2nd Reading

3rd Reading

THE HON. H. C. PARROTT
Minister of the Environment

(Government Bill)

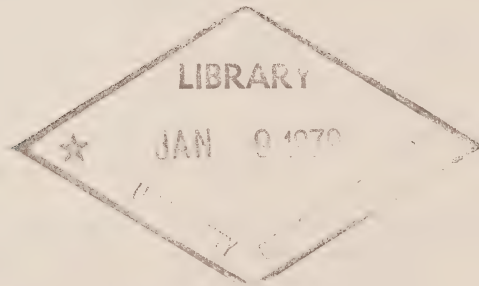
BILL 210

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

An Act to acquire the Assets of Inco Limited

MR. MARTEL



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to vest the title and control of the assets situate in Ontario of Inco Limited in a Crown corporation, The Ontario Nickel Corporation. If compensation cannot be agreed upon, provision is made for arbitration. The objects of The Ontario Nickel Corporation include the task of operating and maintaining the assets of Inco Limited so as to provide employment and other economic benefits to the Province of Ontario.

BILL 210

1978

An Act to acquire the Assets of Inco Limited

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Corporation" means The Ontario Nickel Corporation. Interpre-
tation

2.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of "The Ontario Nickel Corporation". The Ontario
Nickel
Corporation
established

(2) There shall be a Board of Directors of the Corporation consisting of such members as may be appointed by the Lieutenant Governor in Council. Board of
Directors

(3) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board. Chairman

(4) The Corporation shall have a seal which shall be adopted by resolution or by-law. Seal

3.—(1) The affairs of the Corporation are under the management and control of the Board of Directors. Management

(2) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman. Chairman
to preside

(3) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board. Quorum

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation. By-laws

Powers
of
Board
R.S.O. 1970,
c. 89

4. The Board of Directors has such powers as are necessary for the purpose of carrying out its objects including the powers set out in sections 304 and 305 of *The Corporations Act* and section 24 of that Act, except clauses *m*, *p*, *q*, *r*, *s*, *t*, *u* and *v* of subsection 1, but otherwise *The Corporations Act* does not apply to the Corporation.

Objects

5. The objects of the Corporation are to,

- (a) take possession of the property, both real and personal, and the works and undertakings of Inco Limited and its subsidiaries situated in the Province of Ontario; and
- (b) create, develop and increase income, employment, and other economic benefits to the Province by operating and maintaining, or by encouraging and assisting in the establishment, expansion and continued operation and maintenance of the property, works and undertakings acquired and possessed under this Act,

Head office

6. The head office of the Corporation shall be in The Regional Municipality of Sudbury.

Assets of
Inco vest
in the
Corporation

7. All assets, including all real and personal property, works and undertakings, of Inco Limited and its subsidiaries situated in Ontario are hereby vested in The Ontario Nickel Corporation and the Corporation is hereby entitled to the possession, management and control of the said assets.

Notice of
arbitration

8.—(1) If agreement for compensation for the assets of Inco Limited vested in the Corporation by section 7 is not reached within thirty days from the date this Act comes into force, either party may serve notice of arbitration upon the other and upon the Land Compensation Board, as constituted under *The Expropriations Act*, stating that it requires that the compensation payable be determined by arbitration.

Idem

(2) The notice of arbitration referred to in subsection 1 shall be deemed to be a notice under clause *b* of section 26 of *The Expropriations Act* and, upon service of the notice, the practice and procedure under *The Expropriations Act* shall apply to the arbitration under this Act.

Application
of R.S.O.
1970, c. 154

9.—(1) Sections 29, 30, 31, 32, 33 and 34 of *The Expropriations Act* apply to the taking of the assets referred to in section 7 in the same manner as if they were land.

(2) Compensation for the assets referred to in section 7 ^{Idem} is to be determined in accordance with sections 13, 14, 16, 17, subsection 2 of section 19 and section 20 of *The Expropriations Act* in the same manner as if they were land. R.S.O. 1970,
c. 154

(3) For the purposes of an arbitration under this Act, ^{Interpre-} a reference to "expropriating authority" and to "statutory ^{tation} authority" in *The Expropriations Act* is a reference to the Corporation.

10. The compensation payable as a result of this Act ^{Compensation} stands in place of the assets of Inco Limited vested in the Corporation under section 7 and any claim to or encumbrance on the assets is deemed to be a claim to or an encumbrance on the compensation payable and not a claim or encumbrance on the assets.

11. *The Bulk Sales Act* does not apply to the transfer of <sup>R.S.O. 1970,
c. 52
does not
apply</sup> assets provided for in this Act.

12. The Corporation shall, after the close of each fiscal ^{Annual} year, deliver to the Minister of Natural Resources an annual ^{report} report upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

13. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

14. The short title of this Act is *The Inco Limited* ^{Short title} *Acquisition Act, 1978.*

An Act to acquire the
Assets of Inco Limited

1st Reading

December 14th, 1978

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

B
B 56

67 BILL 211

Private Member's Bill

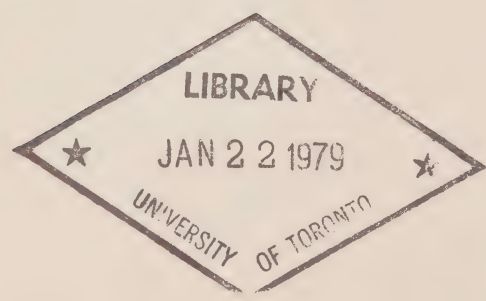
Government
Publication

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

Legislative Council

**An Act to amend
The Employment Standards Act, 1974**

MR. SMITH
(Hamilton West)



EXPLANATORY NOTE

The purpose of this Bill is to establish a standard relating to the installation and operation of electronic surveillance systems in places of employment. The Bill permits the installation of these systems only where it is reasonably necessary for the protection of the health or safety of employees or the property rights of the employer. The onus of establishing that the installation and operation of a surveillance system is reasonably necessary for these purposes is placed upon the employer.



BILL 211

1978

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act, 1974*, being chapter 112, is ^{s. 15a,} amended by adding thereto the following section. _{enacted}

15a. No employer shall install or operate an electronic ^{Electronic} surveillance device or system in a place of employment to ^{surveillance} record or monitor the work and other activities of his employees unless the installation and operation of such device or system is reasonably necessary, the proof of which lies upon the employer, for the protection of the health and safety of the employees or for the protection of a lawful right of property of the employer.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
_{ment}
3. The short title of this Act is *The Employment Standards Amend-* ^{Short title}
ment Act, 1978.

An Act to amend
The Employment Standards Act, 1974

1st Reading

December 15th, 1978

2nd Reading

3rd Reading

MR. SMITH
(Hamilton West)

(Private Member's Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act to provide for the holding
of Land by Religious Organizations**

THE HON. R. MCMURTRY
Attorney General and Solicitor General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill is a revision of *The Religious Institutions Act* and implements the recommendations of the Ontario Law Reform Commission concerning religious institutions contained in its Report on Mortmain, Charitable Uses and Religious Institutions.

The principal changes include:

1. widening the institutions to include all religious denominations;
2. the removal of obsolete provisions and modernization of the language and procedures.

BILL 212

1978

An Act to provide for the holding of Land by Religious Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

(a) “meeting” means any meeting of the members of a religious organization or of the governing body of the organization, as the case may be, that has been called by notice in accordance with section 4;

(b) “religious organization” means an association of persons,

(i) that is charitable according to the law of Ontario,

(ii) that is organized for the conduct of religious worship, services or rites, and

(iii) that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices,

and includes an association that is charitable according to the law of Ontario and that is organized for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha'i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof;

(c) “trustees” means the trustees appointed by a religious organization to acquire, hold and possess land for its benefit, and includes their successors.

(2) In interpreting subclause i of clause b of subsection 1, ^{Idem} an organization does not cease to be charitable for the

reason only that activities that are not charitable but are merely ancillary to a charitable purpose are carried on in conjunction with a charitable purpose.

Derivative
organizations

(3) Where a separate religious organization is formed out of an existing religious organization, whether voluntarily or otherwise, and the new organization meets the requirements of subclauses i and ii of clause *b* of subsection 1, it shall nevertheless be considered to be a religious organization for the purposes of this Act. *New.*

Acquisition
and holding
of land

2. A religious organization may acquire and hold land for the purpose of,

- (a) a place of worship;
- (b) a residence for its religious leader;
- (c) a burial or cremation ground;
- (d) a bookstore or a printing or publishing office;
- (e) a theological seminary or similar institution of religious instruction;
- (f) a religious camp retreat or training centre; or
- (g) any other religious purpose,

in the name of trustees, individually or by collective designation, for the benefit of the religious organization. R.S.O. 1970, c. 411, s. 1 (1), *amended*.

Appointment
and tenure
of trustees

3.—(1) A religious organization may by resolution adopted at a meeting of the organization,

- (a) appoint trustees and fill any vacancy in the office of trustee;
- (b) provide for the retirement or removal of trustees and for the appointment of their successors;
- (c) remove any trustee from office;
- (d) decrease or increase the number of trustees;
- (e) confer upon trustees the power to acquire, hold and possess land for one or more of the purposes set out in section 2.

(2) Unless the constitution or a resolution of the religious organization otherwise provides, a trustee holds office until he dies, resigns or ceases to be a member of the organization. Termination of office

(3) Where a vacancy occurs in the number of the trustees of a religious organization, until the vacancy is filled, the remaining trustees then in office have all the estate in and title to the land of the organization and have all the powers conferred by this Act with respect thereto as were originally vested in the whole number. Powers of trustees where vacancy

(4) A trustee appointed to fill a vacancy together with the trustees originally appointed or subsequently appointed and who remain in office have all the estate, title and powers vested in the original trustees. Powers of successor trustees

(5) Where no trustees of a religious organization remain in office, the land to which the organization is entitled vests automatically in trustees subsequently appointed by the organization and their successors without the necessity of any conveyance. Vesting of land in successor trustees

(6) Where a religious organization is entitled to land and the manner of appointing trustees or their successors is not set out in the instrument granting or devising the land, it vests automatically in the trustees appointed under subsection 1 and their successors to be held in trust for the organization without the necessity of any conveyance. *New.* Where successor trustees not provided for

4. Where, under the constitution, customs or practices of a religious organization, its property is vested in one person, the person shall be deemed to be a trustee and has the powers of trustees under this Act. *New.* Property vested in one person

5.—(1) Each of two or more religious organizations may by resolution appoint joint trustees and provide for the appointment of their successors and may enter into agreements respecting the holding of land for their joint benefit by such joint trustees for any of the purposes enumerated in section 2 and all the provisions of this Act apply with necessary modifications to such joint trustees. Joint trustees

(2) Where land referred to in subsection 1 was, before the agreement, held by different bodies of trustees, the religious organizations may direct them in the agreement or otherwise to convey or transfer the land to the joint trustees appointed in accordance with subsection 1 and their successors. R.S.O. 1970, c. 411, ss. 14, 18 (1), *amended.* Conveyance to joint trustees

Authorization
required to
exercise of
powers

6.—(1) The trustees of a religious organization shall not exercise any of the powers conferred upon them by this Act until they are authorized to do so by resolution of the organization, and the organization may attach such terms or conditions to any such authorization as it considers expedient.

Authorization
in case of
joint
trustees

(2) In the case of joint trustees for two or more religious organizations, the authorization shall be obtained by resolutions adopted by each religious organization for whose benefit land is or is to be held. *New.*

Power to
enter into
agreements
to purchase
land

7. The trustees of a religious organization may enter into agreements to purchase land for the benefit of the organization for any of the purposes of this Act. *New.*

Power to
conduct
actions

8. The trustees of a religious organization may, individually or by collective designation, maintain and defend actions for the protection of the land and of the interest of the religious organization therein. *New.*

Power to
mortgage
land

9.—(1) The trustees of a religious organization may secure any debt contracted for the acquisition or improvement of land under this Act, or for the building, repairing, extending or improving of any buildings thereon, by a mortgage or charge on all or any part of the land of the organization. R.S.O. 1970, c. 411, s. 4, *amended.*

Power to
release
equity of
redemption

(2) If a mortgage or charge on land held by the trustees of a religious organization for the benefit of the organization is in arrears as to principal or interest, or both, the trustees may release, transfer or convey to the mortgagee or chargee or his assigns the equity of redemption in the land, or any part thereof, in satisfaction of the whole or any part of the debt. *New.*

Power to
lease

10.—(1) The trustees of a religious organization may lease for one term of forty years or for more than one term of not more than forty years in all, any land held by them for the benefit of the organization which is no longer required by it for any of the purposes enumerated in section 2, at such rent and upon such terms and conditions as they consider expedient.

Power to
agree to
renewal
terms

(2) In any such lease, the trustees,

(a) may, subject to the forty year maximum period specified in subsection 1, agree for the renewal thereof at the expiration of any or every term of

years for a further term or terms at such rent and on such terms and conditions as may be agreed; or

- (b) may agree to pay to the lessee, his heirs, executors, administrators, successors or assigns a sum equal to the value of any buildings or other improvements that may at the expiration of any term be on the demised land.

(3) The method of ascertaining the amount of the rent Method of ascertaining rent during any renewal term or the value of the buildings or other improvements to be paid at the end of any term may be specified in the original or in any subsequent lease. R.S.O. 1970, c. 411, s. 6 (1, 2), *amended*.

(4) The trustees may take all proceedings for the recovery of rent or arrears of rent and of the demised land that landlords are entitled by law to take. R.S.O. 1970, c. 411, s. 6 (4), *amended*. Recovery of rent and the land

(5) A religious organization may by resolution give its trustees a general authorization to lease any land held by them for terms not exceeding three years per term and when so authorized the trustees may, without further authorization, lease the land from time to time for a term or terms not exceeding three years per term. *New*. Power to enter into short term leases

11.—(1) The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, sell or exchange at any time land held by them if the organization has by resolution determined that the land is no longer necessary for its purposes. Power to sell

(2) When land of a religious organization is not required for its actual occupation for a purpose set out in section 2 and is not leased under section 10, section 7 of *The Mortmain and Charitable Uses Act* applies in the same manner as if the land were then assured to the religious organization for charitable purposes. Surplus land subject to R.S.O. 1970, c. 280, s. 7

(3) Subsection 1 does not affect any special powers or trusts for sale contained in any instrument inconsistent therewith. R.S.O. 1970, c. 411, s. 7, *amended*. Special powers not affected

12. The trustees of a religious organization out of which a separate religious organization is formed may convey or transfer to the trustees of the separate organization such part of the land held by them as is appropriate. R.S.O. 1970, c. 411, s. 9, *amended*. Conveyance to trustees of new religious organization

Conveyance
where
religious
organizations
unite

13. Where a religious organization desires to unite with another religious organization, the trustees of either organization may convey or transfer any land held by them to the trustees of the other religious organization or to the trustees of the united religious organization. R.S.O. 1970, c. 411, s. 10, *amended*.

Conveyance
to denomi-
national
board or
trustees

14. The trustees of a religious organization may convey or transfer any land held by them for the benefit of the organization to an incorporated board or to trustees of the denomination or subdivision thereof of which the organization forms a part. R.S.O. 1970, c. 411, s. 11, *amended*.

Duty to account

15. The trustees of a religious organization selling or leasing land under the authority of this Act shall on the first Monday in June in each year have ready and open for the inspection of the members of the organization a detailed statement showing the rents that accrued during the preceding year and all sums in their hands for the use and benefit of the organization that were in any manner derived from land under their control or subject to their management, and also showing the application of any portion of the money that has been expended on behalf of the organization. R.S.O. 1970, c. 411, s. 16, *amended*.

Resolutions

16. A resolution respecting any of the purposes of this Act is adopted if the majority of those present at the meeting called for that purpose and entitled to vote thereat vote in favour of the resolution. *New*.

Notice of
meeting

17.—(1) A notice calling a meeting of a religious organization for any of the purposes of this Act,

(a) shall specify the purpose of the meeting; and

(b) shall be given in accordance with the constitution, practice or custom of the religious organization.

Idem

(2) Where the constitution, practice or custom of a religious organization has no provision for the giving of notice calling a meeting, at least two weeks notice shall be given personally or by mail, or notice may be given by announcement at an open service at least once in each of the two weeks immediately preceding the week in which the meeting is proposed to be held. R.S.O. 1970, c. 411, ss. 3 (2), 8 (2), *amended*.

Keeping of
records

18.—(1) A copy of a resolution adopted under this Act shall be signed by the chairman and the secretary of the meeting at which it was adopted and shall be entered in

the minute book or other record kept for that purpose.
R.S.O. 1970, c. 411, s. 15 (1), *part, amended*.

(2) A copy of a resolution adopted under this Act, ^{Evidence} certified as being a true copy by an officer of the organization, is *prima facie* proof of the matters therein stated.
R.S.O. 1970, c. 411, s. 15 (3), *amended*.

(3) Failure to comply with subsection 1 does not invalidate ^{Omissions} the resolution or anything done under it. *New*.

19. Any instrument affecting land made by or to trustees ^{Instruments made pursuant to Act} under this Act shall be expressed to be made under this Act, but failure to do so does not render the instrument void.
New.

20.—(1) Where letters patent from the Crown or a grant, ^{Former conveyance} conveyance or devise made before this Act comes into force is made to persons described as trustees for a religious organization and to their successors, this Act applies to them and to the religious organization in the same manner as if the persons were duly appointed as trustees under this Act.

(2) Where more than one letters patent from the Crown, ^{Use of several names} grant, conveyance or devise have been made for the benefit of a religious organization under different names, the organization may at a meeting by resolution adopt one of the names or another name as the name in which its trustees shall hold the land thereafter. *New*.

21. A change in the name of a religious organization ^{Change of name} or manner in which the trustees are described does not affect the title to land held by the organization or its trustees in the former name. R.S.O. 1970, c. 411, s. 1 (3), *amended*.

22.—(1) Where a religious organization has ceased to ^{Application to court for directions where religious organization has ceased to exist} exist, or where the authorization required under section 6 cannot be obtained for any reason other than a dispute among the members of the organization concerning the organization's property, the persons in whom the land of the organization is vested as trustees or, upon their failure to do so or where no trustees remain in office, any interested person or the Public Trustee may apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate for directions, and the court may authorize the trustees or may appoint and authorize any other person to exercise any of the powers conferred by this Act.

Power of
court to
direct sale

(2) Upon such an application, the court may direct that the land or any part thereof be disposed of or that it or the proceeds of sale thereof be distributed in such manner as it considers proper, and the court may make such vesting orders as are expedient in the circumstances. *New.*

Applications
to court as to
applicability
of Act

23.—(1) Any organization or other body that wishes to have determined whether or not it is entitled to acquire, hold and possess land under this Act may at any time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land in question or any part thereof is situate, and the court may determine the matter.

Applications
to court by
Public
Trustee

(2) In like manner, the Public Trustee may apply to have determined whether any organization or other body that purports to hold and possess or that intends to acquire, hold and possess land under this Act is entitled to do so. *New.*

Removal of
Proceedings
into Supreme
Court

24.—(1) Where an application under subsection 1 of section 22 or under section 23 is made to a county or district court, any interested party may, by notice served on the applicant and on any other interested parties, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceedings to be removed into the Supreme Court.

Transmission
of papers to
Supreme
Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the office of the Supreme Court in the county or district in which the application was made.

Proceedings
in Supreme
Court

(3) The proceeding is removed to the Supreme Court when the papers are received at the office of the Supreme Court. *New.*

Notice to
Public
Trustee

25.—(1) Notice of an application under subsection 1 of section 21 or subsection 1 of section 22 shall be given by the applicant to the Public Trustee.

Idem

(2) In any other proceeding in which the application of this Act is in issue, the court may direct that notice be given to the Public Trustee. *New.*

Subject to
special Acts

26.—(1) This Act is subject to any special Act applying to a religious organization.

(2) This Act is subject to any trusts or powers of trustees ^{Subject to trust} in any deed, conveyance or other instrument. R.S.O. 1970, ^{instruments} c. 411, s. 17, *amended*.

27. *The Religious Institutions Act*, being chapter 411 of ^{Repeal} the Revised Statutes of Ontario, 1970, is repealed.

28. Any land transaction that has been authorized but ^{Transitional provisions} not completed under the predecessor of this Act when this Act comes into force shall be completed under the predecessor of this Act as if this Act had not been passed.

29. This Act comes into force on the day it receives ^{Royal} ^{Commence-} Assent. ^{ment}

30. The short title of this Act is *The Religious Organiza-* ^{Short title} *tions' Lands Act, 1978.*

An Act to provide for the
holding of Land by Religious
Organizations

1st Reading

December 15th, 1978

2nd Reading

3rd Reading

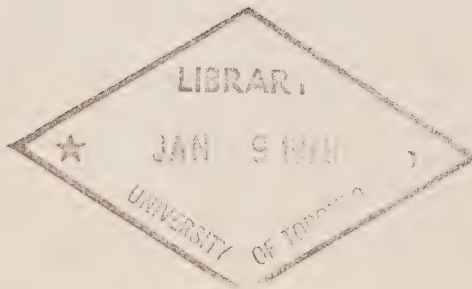
THE HON. R. McMURTRY
Attorney General and Solicitor General

(Government Bill)

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

**An Act respecting
The Anglican Church of Canada**

THE HON. R. MCMURTRY
Attorney General and Solicitor General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill is complementary to the Bill for *The Religious Organizations' Lands Act, 1978*.

The content of the Bill now appears as section 19 of *The Religious Institutions Act*.

In view of the widened scope of *The Religious Organizations' Lands Act, 1978*, the special provisions for the Anglican Church are separated into a separate Act.

BILL 213

1978

An Act respecting The Anglican Church of Canada

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All the rights, powers and privileges conferred upon any religious organization by *The Religious Organizations' Lands Act, 1978* or any predecessor thereof extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights
extended to
The Anglican
Church of
Canada
1978, c. . . .

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of *The Religious Organizations' Lands Act, 1978* be deemed to be trustees within the meaning thereof.

Incumbent
and church-
wardens to
be trustees

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chaptered 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the bishop, parson, rector or incumbent or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee with the same rights and powers as trustees under *The Religious Organizations' Lands Act, 1978*.

Bishop, etc.,
to be trustees
under 3 V.,
c. 74, s. 16

(4) In cases of property vested in the bishop of any diocese in trust, not covered by subsection 3, the bishop shall also be deemed to be a trustee with the same powers as trustees under *The Religious Organizations' Lands Act, 1978*.

Property
vested in
the bishop
in trust

Property
vested in the
synod in
trust within
7 V., c. 68
and 32 V., c. 51

1978, c. ...

How land
may be
sold or
encumbered,
consent
requisite

Evidence of
consent

Commence-
ment

Short title

(5) In cases of property vested in the synod of any diocese within the Act passed in the seventh year of the reign of Her late Majesty Queen Victoria, chaptered 68, intituled *An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto*, and the Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chaptered 51, intituled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed to be a trustee with the same rights and powers as trustees under *The Religious Organizations' Lands Act, 1978* and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may by by-law appoint for that purpose. R.S.O. 1970, c. 411, s. 19 (1-5), *amended*.

2.—(1) Land shall not be sold or leased, mortgaged or otherwise encumbered under the powers conferred by *The Religious Organizations' Lands Act, 1978*, except with the consent of the vestry of the church or congregation interested therein and of the bishop of the diocese and the executive committee of the synod of the diocese, and the consent of the vestry given in accordance with the rules and canons of the church shall be deemed to be the consent of the congregation.

(2) The execution of a conveyance of land by the bishop, coadjutor bishop or a suffragan bishop of the diocese and by the secretary or secretaries of the synod, or a memorandum of consent endorsed thereon and signed by them, is, in favour of the grantee, his heirs and assigns, conclusive evidence of the consent of the vestry, the bishop and the executive committee. R.S.O. 1970, c. 411, s. 19 (6), *amended*.

3. This Act comes into force on the day it receives Royal Assent.

4. The short title of this Act is *The Anglican Church of Canada Act, 1978*.

An Act respecting
The Anglican Church of Canada

1st Reading

December 15th, 1978

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General and Solicitor General

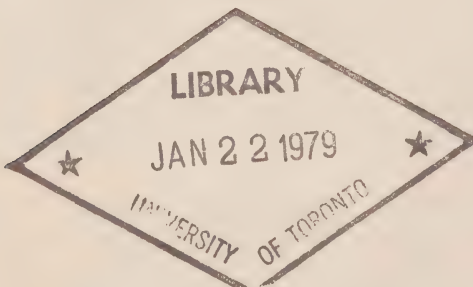
(Government Bill)

3
17 BILL 214

2ND SESSION, 31ST LEGISLATURE, ONTARIO
27 ELIZABETH II, 1978

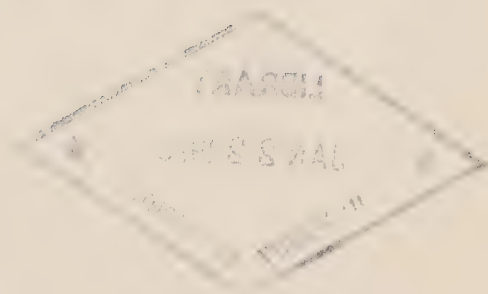
An Act for granting to Her Majesty certain
sums of money for the Public Service for the
fiscal year ending the 31st day of March, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 214

1978

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
 Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1979; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$12,964,992,900
 Fund a sum not exceeding in the whole \$12,964,992,900 to granted for
 be applied towards defraying the several charges and expenses fiscal year
 of the public service, not otherwise provided for, from the 1978-79
 1st day of April, 1978, to the 31st day of March, 1979, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception
 March, 1979, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered

by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Supply Act, 1978*.

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor . . .	105,000		105,000
Office of the Assembly	17,097,000	1,293,300	18,390,300
Office of the Premier	1,595,000		1,595,000
Cabinet Office	1,144,000		1,144,000
Management Board	108,530,000		108,530,000
Office of the Provincial Auditor	2,090,000		2,090,000
Office of the Ombudsman	4,116,000		4,116,000
Government Services	261,615,600		261,615,600
Northern Affairs	139,902,000		139,902,000
Revenue	199,411,000		199,411,000
Treasury and Economics	21,738,000		21,738,000
Intergovernmental Affairs	510,770,000	8,047,000	518,817,000
Justice Policy	527,000		527,000
Attorney General	135,495,700	1,300,000	136,795,700
Consumer and Commercial Relations . .	63,850,000		63,850,000
Correctional Services	123,151,000		123,151,000
Solicitor General	166,999,000		166,999,000
Resources Development Policy	3,620,000	57,300	3,677,300
Agriculture and Food	168,847,000	3,200,000	172,047,000
Energy	27,351,000	6,500,000	33,851,000
Environment	280,798,000		280,798,000
Housing	284,229,000		284,229,000
Industry and Tourism	62,136,000		62,136,000
Labour	35,726,000		35,726,000
Natural Resources	247,012,000		247,012,000
Transportation and Communications . .	1,079,903,000		1,079,903,000
Social Development Policy	2,328,000		2,328,000

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Colleges and Universities	1,369,147,000	10,000,000	1,379,147,000
Community and Social Services	1,225,694,000		1,225,694,000
Culture and Recreation	180,806,000	34,000,000	214,806,000
Education	2,230,353,000		2,230,353,000
Health	3,944,509,000		3,944,509,000
TOTAL	12,900,595,300	64,397,600	12,964,992,900

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

1st Reading

December 15th, 1978

2nd Reading

December 15th, 1978

3rd Reading

December 15th, 1978

THE HON. F. S. MULLER
Treasurer of Ontario and
Minister of Economics



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